

## Calendar No. 162

115TH CONGRESS  
1ST SESSION**S. 1460**

To provide for the modernization of the energy and natural resources policies  
of the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2017

Ms. MURKOWSKI (for herself and Ms. CANTWELL) introduced the following  
bill; which was read the first time

JUNE 29, 2017

Read the second time and placed on the calendar

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**A BILL**

To provide for the modernization of the energy and natural  
resources policies of the United States, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Energy and Natural  
5       Resources Act of 2017”.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into 2 divi-  
 4 sions as follows:

5 (1) DIVISION A.—Energy.

6 (2) DIVISION B.—Natural Resources.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—ENERGY

Sec. 1001. Definitions.

TITLE I—EFFICIENCY

Subtitle A—Buildings

Sec. 1101. Greater energy efficiency in building codes.

Sec. 1102. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

Sec. 1103. Coordination of energy retrofitting assistance for schools.

Sec. 1104. Energy efficiency materials pilot program.

Sec. 1105. Utility energy service contracts.

Sec. 1106. Use of energy and water efficiency measures in Federal buildings.

Sec. 1107. Building training and assessment centers.

Sec. 1108. Career skills training.

Sec. 1109. Energy-efficient and energy-saving information technologies.

Sec. 1110. Energy efficient data centers.

Sec. 1111. Weatherization Assistance Program.

Sec. 1112. Reauthorization of State energy program.

Sec. 1113. Smart building acceleration.

Sec. 1114. Repeal of fossil phase-out.

Sec. 1115. Federal building energy efficiency performance standards.

Sec. 1116. Federal building energy intensity improvement.

Sec. 1117. Certification for green buildings.

Sec. 1118. High-performance green Federal buildings.

Sec. 1119. Evaluation of potentially duplicative green building programs.

Sec. 1120. Study and report on energy savings benefits of operational efficiency programs and services.

Sec. 1121. Use of Federal disaster relief and emergency assistance for energy-efficient products and structures.

Sec. 1122. WaterSense.

Subtitle B—Appliances

Sec. 1201. Extended product system rebate program.

- Sec. 1202. Energy efficient transformer rebate program.
- Sec. 1203. Third-party certification under Energy Star program.
- Sec. 1204. Application of energy conservation standards to certain external power supplies.
- Sec. 1205. Clarification to effective date for regional standards.
- Sec. 1206. Modifying product definitions.
- Sec. 1207. Clarifying rulemaking procedures.
- Sec. 1208. Extension of nonapplication of no-load mode energy efficiency standard to certain security or life safety alarm or surveillance systems.

#### Subtitle C—Manufacturing

- Sec. 1301. Manufacturing energy efficiency.
- Sec. 1302. Leveraging existing Federal agency programs to assist small and medium manufacturers.
- Sec. 1303. Leveraging smart manufacturing infrastructure at National Laboratories.

#### Subtitle D—Vehicles

- Sec. 1401. Objectives.
- Sec. 1402. Coordination and nonduplication.
- Sec. 1403. Authorization of appropriations.
- Sec. 1404. Reporting.

### PART I—VEHICLE RESEARCH AND DEVELOPMENT

- Sec. 1411. Program.
- Sec. 1412. Manufacturing.

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

- Sec. 1421. Program.
- Sec. 1422. Class 8 truck and trailer systems demonstration.
- Sec. 1423. Technology testing and metrics.
- Sec. 1424. Nonroad systems pilot program.

### PART III—ADMINISTRATION

- Sec. 1431. Repeal of existing authorities.
- Sec. 1432. Reauthorization of diesel emissions reduction program.
- Sec. 1433. Gaseous fuel dual fueled automobiles.

#### Subtitle E—Housing

- Sec. 1501. Definitions.
- Sec. 1502. Enhanced energy efficiency underwriting criteria.
- Sec. 1503. Enhanced energy efficiency underwriting valuation guidelines.
- Sec. 1504. Monitoring.
- Sec. 1505. Rulemaking.
- Sec. 1506. Additional study.

## TITLE II—INFRASTRUCTURE

#### Subtitle A—Cybersecurity

- Sec. 2001. Sanctions for disclosure of critical electric infrastructure information.
- Sec. 2002. Enhanced grid security.

#### Subtitle B—Strategic Petroleum Reserve

- Sec. 2101. 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—Electricity

- Sec. 2301. Grid 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. Voluntary State, regional, and local electricity distribution planning.
- Sec. 2307. Authorization of appropriations.
- Sec. 2308. Power marketing administration agreements.
- Sec. 2309. Report by transmission organizations on distributed energy resources and interconnected micro-grid systems.
- Sec. 2310. Vegetation management, facility inspection, and operation and maintenance on Federal land containing electric transmission and distribution facilities.
- Sec. 2311. Study of combined heat and power systems and waste heat to power systems.
- Sec. 2312. Bulk-power system reliability impact statement.
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- Sec. 3003. Regulations to establish a 2-year process for certain nonpowered dams and closed-loop pumped storage projects.
- Sec. 3004. Regionwide pilot program.
- Sec. 3005. Pumped storage hydropower.
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- Sec. 3007. Synchronization of hydroelectric licensing processes of the Bureau of Reclamation and the Federal Energy Regulatory Commission.
- Sec. 3008. Federal Energy Regulatory Commission projects.
- Sec. 3009. Study of surrender or transfer of licenses for nonpowered sites.
- Sec. 3010. Hydroelectric production incentives and efficiency improvements.

#### PART II—GEOTHERMAL

- Sec. 3011. Geothermal energy.
- Sec. 3012. Geothermal exploration test projects.

## PART III—MARINE HYDROKINETIC

- Sec. 3021. Definition of marine and hydrokinetic renewable energy.
- Sec. 3022. Marine and hydrokinetic renewable energy research and development.
- Sec. 3023. National Marine Renewable Energy Research, Development, and Demonstration Centers.
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- Sec. 3031. Modifying the definition of renewable energy to include thermal energy.

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- Sec. 3101. Methane hydrate research and development.
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## Subtitle C—Helium

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- Sec. 3301. Definitions.
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- Sec. 3303. Critical mineral designations.
- Sec. 3304. Resource assessment.
- Sec. 3305. Permitting.
- Sec. 3306. Federal Register process.
- Sec. 3307. Recycling, efficiency, and alternatives.
- Sec. 3308. Analysis and forecasting.
- Sec. 3309. Education and workforce.
- Sec. 3310. National geological and geophysical data preservation program.
- Sec. 3311. Administration.
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## Subtitle E—Fossil Energy

- Sec. 3401. Fossil energy.
- Sec. 3402. Establishment of coal technology program.
- Sec. 3403. Report on carbon dioxide capture contracting authority.

## Subtitle F—Nuclear

- Sec. 3501. Nuclear energy innovation capabilities.
- Sec. 3502. Next generation nuclear plant project.

## Subtitle G—Workforce Development

- Sec. 3601. 21st Century Energy Workforce Advisory Board.
- Sec. 3602. Energy workforce pilot grant program.

### Subtitle H—Recycling

- Sec. 3701. Recycled carbon fiber.
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- Sec. 4001. Terms and conditions for incentives for innovative technologies.
- Sec. 4002. State loan eligibility.
- Sec. 4003. Fees for loans.
- Sec. 4004. Department of Energy Indian energy education planning and management assistance program.

### Subtitle B—Energy-Water Nexus

- Sec. 4101. Nexus of energy and water for sustainability.
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- Sec. 4201. Inclusion of early stage technology demonstration in authorized technology transfer activities.
- Sec. 4202. Sense of Congress on accelerating energy innovation.
- Sec. 4203. Restoration of laboratory directed research and development program.
- Sec. 4204. Research grants database.
- Sec. 4205. Technology transfer and transitions assessment.
- Sec. 4206. Agreements for commercializing technology pilot program.
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- Sec. 4208. Quadrennial energy review.
- Sec. 4209. Crosscutting research and development.
- Sec. 4210. Strategic research portfolio analysis and coordination plan.
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## PART II—OFFICE OF SCIENCE

- Sec. 4221. Mission of the Office of Science.
- Sec. 4222. Basic energy sciences.
- Sec. 4223. Advanced scientific computing research.
- Sec. 4224. High-energy physics.
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- Sec. 4228. Science laboratories infrastructure program.
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### Subtitle D—Management

- Sec. 4301. Bureau of Land Management cooperation with States on rules and processes.

- Sec. 4302. Under Secretary for Science and Energy.
- Sec. 4303. Energy emergency response efforts of the Department.
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#### Subtitle E—Markets

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- Sec. 4501. E-prize competition pilot program.
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- Sec. 4602. Repeal of methanol study.
- Sec. 4603. Repeal of authorization of appropriations provision.
- Sec. 4604. Repeal of residential energy efficiency standards study.
- Sec. 4605. Repeal of weatherization study.
- Sec. 4606. Repeal of report to Congress.
- Sec. 4607. Repeal of report by General Services Administration.
- Sec. 4608. Repeal of intergovernmental energy management planning and coordination workshops.
- Sec. 4609. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.
- Sec. 4610. Repeal of procurement and identification of energy efficient products program.
- Sec. 4611. Repeal of national action plan for demand response.
- Sec. 4612. Repeal of national coal policy study.
- Sec. 4613. Repeal of study on compliance problem of small electric utility systems.
- Sec. 4614. Repeal of study of socioeconomic impacts of increased coal production and other energy development.
- Sec. 4615. Repeal of study of the use of petroleum and natural gas in combustors.
- Sec. 4616. Repeal of submission of reports.
- Sec. 4617. Repeal of electric utility conservation plan.
- Sec. 4618. Emergency Energy Conservation repeals.
- Sec. 4619. Energy Security Act repeals.
- Sec. 4620. Nuclear Safety Research, Development, and Demonstration Act of 1980 repeals.
- Sec. 4621. Elimination and consolidation of certain America COMPETES programs.
- Sec. 4622. Repeal of state utility regulatory assistance.
- Sec. 4623. Repeal of survey of energy saving potential.
- Sec. 4624. Repeal of photovoltaic energy program.
- Sec. 4625. Repeal of energy auditor training and certification.
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- Sec. 4627. Repeal of Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.
- Sec. 4628. Repeal of hydrogen research, development, and demonstration program.

- Sec. 4629. Repeal of study on alternative fuel use in nonroad vehicles and engines.
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- Sec. 4631. Repeal of technical and policy analysis for replacement fuel demand and supply information.
- Sec. 4632. Repeal of 1992 Report on Climate Change.
- Sec. 4633. Repeal of Director of Climate Protector establishment.
- Sec. 4634. Repeal of 1994 report on global climate change emissions.
- Sec. 4635. Repeal of telecommuting study.
- Sec. 4636. Repeal of advanced buildings for 2005 program.
- Sec. 4637. Repeal of Energy Research, Development, Demonstration, and Commercial Application Advisory Board.
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#### DIVISION B—NATURAL RESOURCES

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- Sec. 5101. National Park Service Maintenance and Revitalization Conservation Fund.
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- Sec. 6002. Land conveyance, Elkhorn Ranch and White River National Forest, Colorado.
- Sec. 6003. Craggs, Colorado land exchange.
- Sec. 6004. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.
- Sec. 6005. Cooper Spur land exchange clarification amendments.
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- Sec. 6101. Cadastre of Federal real property.
- Sec. 6102. Additional authority for sale or exchange of small parcels of National Forest System land.
- Sec. 6103. Bolts ditch access.
- Sec. 6104. Designation of Alex Diekmann Peak, Montana.



- Sec. 6105. Methow Valley, Washington, Federal land withdrawal.
- Sec. 6106. Frank and Jeanne Moore Wild Steelhead Special Management Area, Oregon.
- Sec. 6107. Expedited access to certain Federal land.
- Sec. 6108. Maintenance or replacement of facilities and structures at Smith Gulch.
- Sec. 6109. Cerro del Yuta and Río San Antonio Wilderness Areas.
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## TITLE VII—NATIONAL PARK SYSTEM MANAGEMENT, STUDIES, AND RELATED MATTERS

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- Sec. 7001. Special resource study of James K. Polk presidential home.
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### Subtitle B—National Park Service Management and Related Matters

- Sec. 7101. Ocmulgee Mounds National Historical Park boundary revision.
- Sec. 7102. John Muir National Historic Site land acquisition.
- Sec. 7103. Amendment to Coltsville National Historical Park donation site.
- Sec. 7104. Kennesaw Mountain National Battlefield Park boundary adjustment; land acquisition; administration.
- Sec. 7105. Designation of existing wilderness area in Lake Clark National Park as the Jay S. Hammond Wilderness.
- Sec. 7106. Sky Point mountain designation.
- Sec. 7107. Eligibility of Hispanic-serving institutions and Asian American and Native American Pacific Islander-serving institutions for assistance for preservation education and training programs.
- Sec. 7108. Martin Luther King, Jr. National Historical Park.
- Sec. 7109. Vehicular access and fees at Delaware Water Gap National Recreation Area.
- Sec. 7110. Denali National Park and Preserve natural gas pipeline.
- Sec. 7111. Wild horses in and around the Currituck National Wildlife Refuge.
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- Sec. 7114. Arlington Ridge Visitor Services Facility.
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- Sec. 7119. Fort Frederica National Monument boundary adjustment.
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- Sec. 8104. Shooting ranges.
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- Sec. 8107. Firearms at water resource development projects.

### Subtitle C—Federal Land Transaction Facilitation Act

- Sec. 8201. Amendments to the Federal Land Transaction Facilitation Act.

### Subtitle D—Filming on Federal Land Management Agency Land

- Sec. 8301. Commercial filming.

### Subtitle E—Wildlife and Habitat Conservation

- Sec. 8401. Amendments to Pittman-Robertson Wildlife Restoration Act.
- Sec. 8402. Wildlife and Hunting Heritage Conservation Council Advisory Committee.
- Sec. 8403. North American Wetlands Conservation Act.
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### Subtitle F—Miscellaneous

- Sec. 8501. Respect for treaties and rights.
- Sec. 8502. No priority.
- Sec. 8503. State authority for fish and wildlife.

## TITLE IX—WATER INFRASTRUCTURE AND RELATED MATTERS

### Subtitle A—Fontenelle Reservoir

- Sec. 9001. Authority to make entire active capacity of Fontenelle Reservoir available for use.
- Sec. 9002. Savings provisions.

### Subtitle B—Bureau of Reclamation Transparency

- Sec. 9101. Definitions.
- Sec. 9102. Asset management report enhancements for reserved works.

- Sec. 9103. Asset management report enhancements for transferred works.
- Sec. 9104. Offset.

Subtitle C—Yakima River Basin Water Enhancement

- Sec. 9201. Short title.
- Sec. 9202. Modification of terms, purposes, and definitions.
- Sec. 9203. Yakima River Basin Water Conservation Program.
- Sec. 9204. Yakima Basin water projects, operations, and authorizations.
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Subtitle D—Klamath Project Water and Power

- Sec. 9301. Klamath Project.

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- Sec. 9401. Equus Beds Division extension.

TITLE X—NATURAL HAZARDS

Subtitle A—National Volcano Early Warning and Monitoring System

- Sec. 10001. Definitions.
- Sec. 10002. National volcano early warning and monitoring system.
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- Sec. 10101. Definitions.
- Sec. 10102. National landslide hazards reduction program.
- Sec. 10103. Ground subsidence.
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TITLE XI—INDIAN ENERGY

Subtitle A—Indian Tribal Energy Development and Self-Determination Act Amendments

- Sec. 11001. Indian tribal energy resource development.
- Sec. 11002. Indian tribal energy resource regulation.
- Sec. 11003. Tribal energy resource agreements.
- Sec. 11004. Technical assistance for Indian tribal governments.
- Sec. 11005. Conforming amendments.
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Subtitle B—Miscellaneous Amendments

- Sec. 11101. Issuance of preliminary permits or licenses.
- Sec. 11102. Tribal biomass demonstration project.
- Sec. 11103. Weatherization program.
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- Sec. 11105. Leases of restricted lands for Navajo Nation.
- Sec. 11106. Extension of tribal lease period for the Crow Tribe of Montana.
- Sec. 11107. Trust status of lease payments.

## **DIVISION A—ENERGY**

### **SEC. 1001. DEFINITIONS.**

In this division:

(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. 1101. 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) in paragraph (14), by inserting “, or its legal successor, International Code Council, Inc.” after “the Council of American Building Officials”; 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).”.

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

5 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**  
 6 **CIENCY CODES.**

7 “(a) VOLUNTARY BUILDING ENERGY CODE.—Noth-  
 8 ing in this section or section 307 makes a voluntary build-  
 9 ing energy code established under this section or an up-  
 10 dated voluntary building energy code under section 307  
 11 binding on a State, local government, or Indian tribe as  
 12 a matter of Federal law.

13 “(b) IN GENERAL.—The Secretary shall—

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

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

21 “(c) STATE AND INDIAN TRIBE CERTIFICATION OF  
 22 BUILDING ENERGY CODE UPDATES.—

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

1           “(A) IN GENERAL.—Not later than 2 years  
2           after the date on which a voluntary building en-  
3           ergy code is updated, each State or Indian tribe  
4           shall certify whether or not the State or Indian  
5           tribe, respectively, has reviewed and updated  
6           the energy provisions of the building code of the  
7           State or Indian tribe, respectively.

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

13               “(i) the energy savings of the updated  
14               voluntary building energy code; or

15               “(ii) the consensus-based targets es-  
16               tablished under section 307(b)(2).

17          “(C) NO MODEL BUILDING ENERGY CODE  
18          UPDATE.—If a model building energy code is  
19          not updated by a target date established under  
20          section 307(b)(2)(D), each State or Indian tribe  
21          shall, not later than 2 years after the specified  
22          date, certify whether or not the State or Indian  
23          tribe, respectively, has reviewed and updated  
24          the energy provisions of the building code of the

1 State or Indian tribe, respectively, to meet or  
2 exceed the target in section 307(b)(2).

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

6 “(A) determine whether the code provi-  
7 sions of the State or Indian tribe, respectively,  
8 meet the criteria specified in paragraph (1);  
9 and

10 “(B) if the determination is positive, vali-  
11 date the certification.

12 “(d) IMPROVEMENTS IN COMPLIANCE WITH BUILD-  
13 ING ENERGY CODES.—

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

18 “(A) achieved full compliance under para-  
19 graph (3) with the applicable certified State  
20 and Indian tribe building energy code or with  
21 the associated voluntary building energy code;  
22 or

23 “(B) made significant progress under  
24 paragraph (4) toward achieving compliance with  
25 the applicable certified State and Indian tribe

1 building energy code or with the associated vol-  
2 untary building energy code.

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

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

9 “(B) an alternative method that yields an  
10 accurate measure of compliance.

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

14 “(A) at least 90 percent of building space  
15 covered by the code in the preceding year sub-  
16 stantially meets all the requirements of the ap-  
17 plicable code specified in paragraph (1), or  
18 achieves equivalent or greater energy savings  
19 level; or

20 “(B) the estimated excess energy use of  
21 buildings that did not meet the applicable code  
22 specified in paragraph (1) in the preceding  
23 year, compared to a baseline of comparable  
24 buildings that meet this code, is not more than  
25 5 percent of the estimated energy use of all



1 buildings covered by this code during the pre-  
 2 ceding year.

3 “(4) SIGNIFICANT PROGRESS TOWARD  
 4 ACHIEVEMENT OF COMPLIANCE.—A State or Indian  
 5 tribe shall be considered to have made significant  
 6 progress toward achieving compliance for purposes  
 7 of paragraph (1) if the State or Indian tribe—

8 “(A) has developed and is implementing a  
 9 plan for achieving compliance during the 8-  
 10 year-period beginning on the date of enactment  
 11 of this paragraph, including annual targets for  
 12 compliance and active training and enforcement  
 13 programs; and

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

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

19 “(A) determine whether the State or In-  
 20 dian tribe has demonstrated meeting the cri-  
 21 teria of this subsection, including accurate  
 22 measurement of compliance; and

23 “(B) if the determination is positive, vali-  
 24 date the certification.

1       “(e) STATES OR INDIAN TRIBES THAT DO NOT  
2 ACHIEVE COMPLIANCE.—

3               “(1) REPORTING.—A State or Indian tribe that  
4 has not made a certification required under sub-  
5 section (c) or (d) by the applicable deadline shall  
6 submit to the Secretary a report on the status of the  
7 State or Indian tribe with respect to meeting the re-  
8 quirements and submitting the certification.

9               “(2) FEDERAL SUPPORT.—For any State or In-  
10 dian tribe for which the Secretary has not validated  
11 a certification by a deadline under subsection (c) or  
12 (d), the lack of the certification may be a consider-  
13 ation for Federal support authorized under this sec-  
14 tion for technical assistance.

15               “(3) LOCAL GOVERNMENT.—In any State or  
16 Indian tribe for which the Secretary has not vali-  
17 dated a certification under subsection (c) or (d), a  
18 local government may be eligible for Federal support  
19 by meeting the certification requirements of sub-  
20 sections (c) and (d).

21               “(4) ANNUAL REPORTS BY SECRETARY.—

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

1 “(i) the status of voluntary building  
2 energy codes;

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

5 “(iii) the implementation of this sec-  
6 tion; and

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

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

14 “(i) upfront financial and construction  
15 costs, cost benefits and returns (using in-  
16 vestment analysis), and lifetime energy use  
17 for buildings;

18 “(ii) resulting energy costs to individ-  
19 uals and businesses; and

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

22 “(f) TECHNICAL ASSISTANCE TO STATES AND IN-  
23 DIAN TRIBES.—The Secretary shall provide technical as-  
24 sistance to States and Indian tribes to implement this sec-

tion, 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 voluntary 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 con-  
struction of energy efficient buildings.

“(g) AVAILABILITY OF INCENTIVE FUNDING.—

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

“(A) to implement 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, or other entities identi-  
fied by the Secretary; and

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

1           “(2) ADDITIONAL FUNDING.—Additional fund-  
2           ing may be provided under this subsection for imple-  
3           mentation of a plan to achieve and document full  
4           compliance with residential and commercial building  
5           energy codes under subsection (d)—

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

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

12           “(3) TRAINING.—Of the amounts made avail-  
13           able under this subsection, the State or Indian tribe  
14           may use amounts required, but not to exceed  
15           \$750,000 for a State or tribe, to train State, tribal,  
16           and local building code officials, or other entities  
17           identified by the Secretary.

18           “(4) LOCAL GOVERNMENTS.—States may share  
19           grants under this subsection with local governments.

20           “(h) STUDIES.—The Secretary, in consultation with  
21           building science experts from the National Laboratories  
22           and institutions of higher education, designers and build-  
23           ers of energy-efficient residential and commercial build-  
24           ings, code officials, and other stakeholders, shall under-

1 take a study of the feasibility, impact, economics, and  
2 merit of—

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

9 “(2) code procedures that adopt energy effi-  
10 ciency measures that are technologically feasible and  
11 economically justified; and

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

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

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

1 (c) VOLUNTARY BUILDING ENERGY CODES.—Sec-  
 2 tion 307 of the Energy Conservation and Production Act  
 3 (42 U.S.C. 6836) is amended to read as follows:

4 **“SEC. 307. SUPPORT FOR VOLUNTARY BUILDING ENERGY**  
 5 **CODES.**

6 “(a) IN GENERAL.—The Secretary shall support the  
 7 updating of voluntary building energy codes.

8 “(b) TARGETS.—

9 “(1) IN GENERAL.—The Secretary shall sup-  
 10 port the updating of the voluntary building energy  
 11 codes to enable the achievement of consensus-based,  
 12 aggregate energy savings targets established under  
 13 paragraph (2).

14 “(2) TARGETS.—

15 “(A) IN GENERAL.—The Secretary shall  
 16 work with States, local governments, and In-  
 17 dian tribes, nationally recognized code and  
 18 standards developers, and other interested par-  
 19 ties to support the updating of voluntary build-  
 20 ing energy codes by establishing one or more  
 21 consensus-based, aggregate energy savings tar-  
 22 gets to achieve the purposes of this section.

23 “(B) SEPARATE TARGETS.—The Secretary  
 24 may establish separate consensus-based targets  
 25 for commercial and residential buildings.

1           “(C) BASELINES.—The baseline for updat-  
2           ing voluntary building energy codes shall be the  
3           2009 IECC for residential buildings and  
4           ASHRAE Standard 90.1–2010 for commercial  
5           buildings.

6           “(D) SPECIFIC YEARS.—

7           “(i) IN GENERAL.—Consensus-based  
8           targets for specific years shall be estab-  
9           lished and revised by the Secretary  
10          through rulemaking and coordinated with  
11          nationally recognized code and standards  
12          developers at a level that—

13               “(I) is at the maximum level of  
14               energy efficiency that is techno-  
15               logically feasible and economically jus-  
16               tified;

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

19               “(III) promotes the achievement  
20               of commercial and residential high-  
21               performance buildings through high-  
22               performance energy efficiency (within  
23               the meaning of section 401 of the En-  
24               ergy Independence and Security Act  
25               of 2007 (42 U.S.C. 17061)).



1                   “(ii) INITIAL TARGETS.—Not later  
2                   than 1 year after the date of enactment of  
3                   this clause, the Secretary shall establish  
4                   initial consensus-based targets under this  
5                   subparagraph.

6                   “(iii) DIFFERENT TARGET YEARS.—  
7                   Subject to clause (i), prior to the applica-  
8                   ble year, the Secretary may set a later tar-  
9                   get year for any of the voluntary building  
10                  energy codes described in subparagraph  
11                  (A) if the Secretary determines that a con-  
12                  sensus-based target cannot be met.

13                  “(iv) SMALL BUSINESS.—When estab-  
14                  lishing consensus-based targets under this  
15                  paragraph through rulemaking, the Sec-  
16                  retary shall ensure compliance with the  
17                  Small Business Regulatory Enforcement  
18                  Fairness Act of 1996 (5 U.S.C. 601 note;  
19                  Public Law 104–121).

20                  “(3) APPLIANCE STANDARDS AND OTHER FAC-  
21                  TORS AFFECTING BUILDING ENERGY USE.—In es-  
22                  tablishing consensus-based building code targets  
23                  under paragraph (2), the Secretary shall develop and  
24                  adjust the targets in recognition of potential savings  
25                  and costs relating to—

1           “(A) efficiency gains made in appliances,  
2           lighting, windows, insulation, and building enve-  
3           lope sealing;

4           “(B) advancement of distributed genera-  
5           tion and on-site renewable power generation  
6           technologies;

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

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

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

16          “(c) TECHNICAL ASSISTANCE TO VOLUNTARY  
17          BUILDING ENERGY CODE-SETTING AND STANDARD DE-  
18          VELOPMENT ORGANIZATIONS.—

19               “(1) IN GENERAL.—The Secretary shall, on a  
20          timely basis, provide technical assistance to vol-  
21          untary building energy code-setting and standard de-  
22          velopment organizations consistent with the goals of  
23          this section.

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

4                   “(A) evaluating code or standards pro-  
5                   posals or revisions;

6                   “(B) building energy analysis and design  
7                   tools;

8                   “(C) building demonstrations;

9                   “(D) developing definitions of energy use  
10                  intensity and building types for use in voluntary  
11                  building energy codes to evaluate the efficiency  
12                  impacts of the voluntary building energy codes;

13                  “(E) performance-based standards;

14                  “(F) evaluating economic considerations;  
15                  and

16                  “(G) developing voluntary building energy  
17                  codes by Indian tribes in accordance with tribal  
18                  law.

19           “(3) AMENDMENT PROPOSALS.—The Secretary  
20           may submit timely voluntary building energy code  
21           amendment proposals to the voluntary building en-  
22           ergy code-setting and standard development organi-  
23           zations, with supporting evidence, sufficient to en-  
24           able the voluntary building energy codes to meet the

1 consensus-based targets established under subsection  
2 (b)(2).

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

8 “(d) DETERMINATION.—

9 “(1) REVISION OF VOLUNTARY BUILDING EN-  
10 ERGY CODES.—If the provisions of the IECC or  
11 ASHRAE Standard 90.1 regarding building energy  
12 use are revised, the Secretary shall make a prelimi-  
13 nary determination not later than 90 days after the  
14 date of the revision, and a final determination not  
15 later than 15 months after the date of the revision,  
16 on whether or not the revision will—

17 “(A) improve energy efficiency in buildings  
18 compared to the existing voluntary building en-  
19 ergy code; and

20 “(B) meet the applicable consensus-based  
21 targets under subsection (b)(2).

22 “(2) CODES OR STANDARDS NOT MEETING CON-  
23 SENSUS-BASED TARGETS.—

24 “(A) IN GENERAL.—If the Secretary  
25 makes a determination under paragraph (1)(B)

1 that a code or standard does not meet the con-  
 2 sensus-based targets established under sub-  
 3 section (b)(2), the Secretary may at the same  
 4 time provide the voluntary building energy code  
 5 or standard developer with proposed changes  
 6 that would result in a voluntary building energy  
 7 code that meets the consensus-based targets  
 8 and with supporting evidence, taking into con-  
 9 sideration—

10 “(i) whether the modified code is tech-  
 11 nologically feasible and economically justi-  
 12 fied;

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

15 “(iii) economic considerations.

16 “(B) INCORPORATION OF CHANGES.—On  
 17 receipt of the proposed changes, the voluntary  
 18 building energy code or standard developer shall  
 19 have an additional 270 days to accept or reject  
 20 the proposed changes of the Secretary to the  
 21 voluntary building energy code or standard for  
 22 the Secretary to make a final determination.

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

1           “(1) publish notice of consensus-based targets  
2           and supporting analysis and determinations under  
3           this section in the Federal Register to provide an ex-  
4           planation of and the basis for such actions, including  
5           any supporting modeling, data, assumptions, proto-  
6           cols, and cost-benefit analysis, including return on  
7           investment; and

8           “(2) provide an opportunity for public comment  
9           on proposed consensus-based targets and supporting  
10          analysis and determinations under this section.

11         “(f) DEFINITION OF ECONOMICALLY JUSTIFIED.—  
12         As used in this section, in determining whether a vol-  
13         untary building energy code established under section 304  
14         or an updated voluntary building energy code under this  
15         section is ‘economically justified,’ the Secretary shall, after  
16         receiving views and comments furnished with respect to  
17         a proposed voluntary building code or an updated vol-  
18         untary building energy code, determine whether the bene-  
19         fits of the building energy code exceed its burdens by, to  
20         the greatest extent practicable, considering—

21                 “(1) the economic impact of the building energy  
22                 code on the manufacturers and on the home or  
23                 building owners subject to such code;

24                 “(2) the savings in operating costs throughout  
25                 the estimated average life of the building compared

1 to any increase in the price of, or in the initial  
 2 charges for, or maintenance expenses of, the covered  
 3 buildings which are likely to result from the imposi-  
 4 tion of the building energy code;

5 “(3) the total projected amount of energy, or as  
 6 applicable, water, savings likely to result directly  
 7 from the imposition of the building energy code;

8 “(4) any reduction or increase of the utility or  
 9 the performance of the covered buildings likely to re-  
 10 sult from the imposition of the building energy code;

11 “(5) the need for national energy and water  
 12 conservation; and

13 “(6) other facts the Secretary considers rel-  
 14 evant.”.

15 **SEC. 1102. BUDGET-NEUTRAL DEMONSTRATION PROGRAM**  
 16 **FOR ENERGY AND WATER CONSERVATION IM-**  
 17 **PROVEMENTS AT MULTIFAMILY RESIDEN-**  
 18 **TIAL UNITS.**

19 (a) ESTABLISHMENT.—The Secretary of Housing  
 20 and Urban Development (referred to in this section as the  
 21 “Secretary”) shall establish a demonstration program  
 22 under which, during the period beginning on the date of  
 23 enactment of this Act, and ending on September 30, 2020,  
 24 the Secretary may enter into budget-neutral, performance-  
 25 based agreements that result in a reduction in energy or

1 water costs with such entities as the Secretary determines  
 2 to be appropriate under which the entities shall carry out  
 3 projects for energy or water conservation improvements at  
 4 not more than 20,000 residential units in multifamily  
 5 buildings participating in—

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

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

13 (3) the supportive housing for persons with dis-  
 14 abilities program under section 811(d)(2) of the  
 15 Cranston-Gonzalez National Affordable Housing Act  
 16 (42 U.S.C. 8013(d)(2)).

17 (b) REQUIREMENTS.—

18 (1) PAYMENTS CONTINGENT ON SAVINGS.—

19 (A) IN GENERAL.—The Secretary shall  
 20 provide to an entity a payment under an agree-  
 21 ment under this section only during applicable  
 22 years for which an energy or water cost savings  
 23 is achieved with respect to the applicable multi-  
 24 family portfolio of properties, as determined by



1 the Secretary, in accordance with subparagraph  
2 (B).

3 (B) PAYMENT METHODOLOGY.—

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

7 (I) that will serve as a payment  
8 threshold for the term of the agree-  
9 ment; and

10 (II) pursuant to which the De-  
11 partment of Housing and Urban De-  
12 velopment shall share a percentage of  
13 the savings at a level determined by  
14 the Secretary that is sufficient to  
15 cover the administrative costs of car-  
16 rying out this section.

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

20 (I) be contingent on documented  
21 utility savings; and

22 (II) not exceed the utility savings  
23 achieved by the date of the payment,  
24 and not previously paid, as a result of

1                   the improvements made under the  
2                   agreement.

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

7                   (i) establishment of a weather-normal-  
8                   ized and occupancy-normalized utility con-  
9                   sumption baseline established preretrofit;

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

13                  (iii) annual third party validation of  
14                  the tenant utility allowances in effect dur-  
15                  ing the applicable year and vacancy rates  
16                  for each unit type; and

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

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

21                  (3) ENTITY ELIGIBILITY.—The Secretary  
22                  shall—

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

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

4 (i) financing and operating properties  
5 receiving assistance under a program de-  
6 scribed in subsection (a);

7 (ii) oversight of energy and water con-  
8 servation programs, including oversight of  
9 contractors; and

10 (iii) raising capital for energy and  
11 water conservation improvements from  
12 charitable organizations or private inves-  
13 tors.

14 (4) GEOGRAPHICAL DIVERSITY.—Each agree-  
15 ment entered into under this section shall provide  
16 for the inclusion of properties with the greatest fea-  
17 sible regional and State variance.

18 (c) PLAN AND REPORTS.—

19 (1) PLAN.—Not later than 90 days after the  
20 date of enactment of this Act, the Secretary shall  
21 submit to the Committees on Appropriations of the  
22 House of Representatives and the Senate, the Com-  
23 mittee on Energy and Natural Resources of the Sen-  
24 ate, and the Committee on Energy and Commerce of

1 the House of Representatives a detailed plan for the  
 2 implementation of this section.

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

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

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

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

16 **SEC. 1103. COORDINATION OF ENERGY RETROFITTING AS-**  
 17 **SISTANCE FOR SCHOOLS.**

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

20 (1) an elementary school or secondary school  
 21 (as defined in section 8101 of the Elementary and  
 22 Secondary Education Act of 1965 (20 U.S.C.  
 23 7801));

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

4           (3) a school of the defense dependents' edu-  
5       cation system under the Defense Dependents' Edu-  
6       cation Act of 1978 (20 U.S.C. 921 et seq.) or estab-  
7       lished under section 2164 of title 10, United States  
8       Code;

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

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

14          (6) an institution of higher education eligible to  
15      receive funds under section 371(a) of the Higher  
16      Education Act of 1965 (20 U.S.C. 1067q(a)).

17      (b) DESIGNATION OF LEAD AGENCY.—The Sec-  
18      retary, acting through the Office of Energy Efficiency and  
19      Renewable Energy, shall act as the lead Federal agency  
20      for coordinating and disseminating information on exist-  
21      ing Federal programs and assistance that may be used  
22      to help initiate, develop, and finance energy efficiency, re-  
23      newable energy, and energy retrofitting projects for  
24      schools.

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

3           (1) in consultation and coordination with the  
4 appropriate Federal agencies, carry out a review of  
5 existing programs and financing mechanisms (in-  
6 cluding revolving loan funds and loan guarantees)  
7 available in or from the Department of Agriculture,  
8 the Department, the Department of Education, the  
9 Department of the Treasury, the Internal Revenue  
10 Service, the Environmental Protection Agency, and  
11 other appropriate Federal agencies with jurisdiction  
12 over energy financing and facilitation that are cur-  
13 rently used or may be used to help initiate, develop,  
14 and finance energy efficiency, renewable energy, and  
15 energy retrofitting projects for schools;

16           (2) establish a Federal cross-departmental col-  
17 laborative coordination, education, and outreach ef-  
18 fort to streamline communication and promote avail-  
19 able Federal opportunities and assistance described  
20 in paragraph (1) for energy efficiency, renewable en-  
21 ergy, and energy retrofitting projects that enables  
22 States, local educational agencies, and schools—

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

1 (B) to form partnerships with Governors,  
2 State energy programs, local educational, finan-  
3 cial, and energy officials, State and local gov-  
4 ernment officials, nonprofit organizations, and  
5 other appropriate entities to support the initi-  
6 ation of the projects;

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

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

13 (B) to install systems that individually  
14 generate energy from renewable energy re-  
15 sources;

16 (C) to establish partnerships to leverage  
17 economies of scale and additional financing  
18 mechanisms available to larger clean energy ini-  
19 tiatives; or

20 (D) to promote—

21 (i) the maintenance of health, environ-  
22 mental quality, and safety in schools, in-  
23 cluding the ambient air quality, through  
24 energy efficiency, renewable energy, and  
25 energy retrofit projects; and

1 (ii) the achievement of expected en-  
2 ergy savings and renewable energy produc-  
3 tion through proper operations and main-  
4 tenance practices;

5 (4) develop and maintain a single online re-  
6 source website with contact information for relevant  
7 technical assistance and support staff in the Office  
8 of Energy Efficiency and Renewable Energy for  
9 States, local educational agencies, and schools to ef-  
10 fectively access and use Federal opportunities and  
11 assistance described in paragraph (1) to develop en-  
12 ergy efficiency, renewable energy, and energy retro-  
13 fitting projects; and

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

16 (A) have successfully implemented energy  
17 efficiency, renewable energy, and energy retro-  
18 fitting projects; and

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

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



1 **SEC. 1104. ENERGY EFFICIENCY MATERIALS PILOT PRO-**  
 2 **GRAM.**

3 (a) DEFINITIONS.—In this section:

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

7 (2) ENERGY-EFFICIENCY MATERIALS.—

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

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

16 (i) a roof or lighting system, or com-  
 17 ponent of a roof or lighting system;

18 (ii) a window;

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

20 or

21 (iv) a heating, ventilation, or air con-  
 22 ditioning system or component of the sys-  
 23 tem (including insulation and wiring and  
 24 plumbing materials needed to serve a more  
 25 efficient system); and

1 (v) a renewable energy generation or  
 2 heating system, including a solar, photo-  
 3 voltaic, wind, geothermal, or biomass (in-  
 4 cluding wood pellet) system or component  
 5 of the system.

6 (3) NONPROFIT BUILDING.—

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

10 (B) INCLUSIONS.—The term “nonprofit  
 11 building” includes a building described in sub-  
 12 paragraph (A) that is—

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

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

25 (c) GRANTS.—

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

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

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

13                   (A) the energy savings achieved;

14                   (B) the cost-effectiveness of the use of en-  
15                   ergy-efficiency materials;

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

18                   (D) the financial need of the applicant.

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

22          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23          authorized to be appropriated to carry out this section  
24          \$10,000,000 for each of fiscal years 2018 through 2022,  
25          to remain available until expended.

1 **SEC. 1105. UTILITY ENERGY SERVICE CONTRACTS.**

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

5 “(f) UTILITY ENERGY SERVICE CONTRACTS.—

6 “(1) IN GENERAL.—Each Federal agency may  
7 use, to the maximum extent practicable, measures  
8 provided by law to meet energy efficiency and con-  
9 servation mandates and laws, including through util-  
10 ity energy service contracts authorized by subsection  
11 (c).

12 “(2) CONTRACT PERIOD.—The term of a utility  
13 energy service contract entered into by a Federal  
14 agency may have a contract period not to exceed 25  
15 years.

16 “(3) NOTIFICATION.—The Secretary shall make  
17 available on a public website the guidance and cri-  
18 teria regarding the conditions of utility energy serv-  
19 ice contracts.”.

20 **SEC. 1106. USE OF ENERGY AND WATER EFFICIENCY MEAS-**  
21 **URES IN FEDERAL BUILDINGS.**

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

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

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

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

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

9 “(5)(A) the status of the energy savings per-  
10 formance contracts and utility energy service con-  
11 tracts of each agency;

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

13 “(C) the guaranteed energy savings for the pre-  
14 vious year as compared to the actual energy savings  
15 for the previous year;

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

18 “(E) information explaining why any previously  
19 submitted plans for the contracts were not imple-  
20 mented.”.

21 (c) DEFINITION OF ENERGY CONSERVATION MEAS-  
22 URES.—Section 551(4) of the National Energy Conserva-  
23 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-  
24 ing “or retrofit activities” and inserting “retrofit activi-

1 ties, or energy consuming devices and required support  
2 structures”.

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

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

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

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

10 “(iii) limit the recognition of oper-  
11 ation and maintenance savings associated  
12 with systems modernized or replaced with  
13 the implementation of energy conservation  
14 measures, water conservation measures, or  
15 any combination of energy conservation  
16 measures and water conservation meas-  
17 ures.”.

18 (e) MISCELLANEOUS AUTHORITY.—Section  
19 801(a)(2) of the National Energy Conservation Policy Act  
20 (42 U.S.C. 8287(a)(2)) is amended by adding at the end  
21 the following:

22 “(H) MISCELLANEOUS AUTHORITY.—Not-  
23 withstanding any other provision of law, a Fed-  
24 eral agency may sell or transfer energy savings

1           and apply the proceeds of the sale or transfer  
2           to fund a contract under this title.”.

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

8           (g) DEFINITION OF FEDERAL BUILDING.—Section  
9   551(6) of the National Energy Conservation Policy Act  
10  (42 U.S.C. 8259(6)) is amended by striking the semicolon  
11  at the end and inserting “the term does not include a dam,  
12  reservoir, or hydropower facility owned or operated by a  
13  Federal agency;”.

14          (h) DEFINITION OF ENERGY SAVINGS.—Section  
15  804(2) of the National Energy Conservation Policy Act  
16  (42 U.S.C. 8287c(2)) is amended—

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

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

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

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

1           “(E) the use, sale, or transfer of energy in-  
 2           centives, rebates, or credits (including renew-  
 3           able energy credits) from Federal, State, or  
 4           local governments or utilities; and

5           “(F) any revenue generated from a reduc-  
 6           tion in energy or water use, more efficient  
 7           waste recycling, or additional energy generated  
 8           from more efficient equipment.”.

9   **SEC. 1107. BUILDING TRAINING AND ASSESSMENT CEN-**  
 10           **TERS.**

11       (a) IN GENERAL.—The Secretary shall provide  
 12       grants to institutions of higher education (as defined in  
 13       section 101 of the Higher Education Act of 1965 (20  
 14       U.S.C. 1001)) and institutions of higher education eligible  
 15       to receive funds under section 371(a) of the Higher Edu-  
 16       cation Act of 1965 (20 U.S.C. 1067q(a)) (referred to in  
 17       this section as “minority-serving institutions”) to establish  
 18       building training and assessment centers—

19           (1) to identify opportunities for optimizing en-  
 20       ergy efficiency and associated environmental, health  
 21       and safety, and productivity performance in build-  
 22       ings;

23           (2) to promote the application of emerging con-  
 24       cepts and technologies in commercial and institu-  
 25       tional buildings;



1           (3) to train engineers, architects, building sci-  
2           entists, building energy permitting and enforcement  
3           officials, and building technicians in energy-efficient  
4           design and operation;

5           (4) to assist institutions of higher education  
6           and minority-serving institutions in training building  
7           technicians;

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

12          (6) to coordinate with and assist State-accred-  
13          ited technical training centers, community colleges,  
14          minority-serving institutions, and local offices of the  
15          National Institute of Food and Agriculture and en-  
16          sure appropriate services are provided under this  
17          section to each region of the United States.

18          (b) COORDINATION AND NONDUPLICATION.—

19                (1) IN GENERAL.—The Secretary shall coordi-  
20                nate the program with the industrial research and  
21                assessment centers program and with other Federal  
22                programs to avoid duplication of effort.

23                (2) COLLOCATION.—To the maximum extent  
24                practicable, building, training, and assessment cen-

1       ters established under this section shall be collocated  
 2       with Industrial Assessment Centers.

3       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 4 authorized to be appropriated to carry out this section  
 5 \$10,000,000, to remain available until expended.

6       **SEC. 1108. CAREER SKILLS TRAINING.**

7       (a) IN GENERAL.—The Secretary shall pay grants to  
 8 eligible entities described in subsection (b) to pay the Fed-  
 9 eral share of associated career skills training programs  
 10 under which students concurrently receive classroom in-  
 11 struction and on-the-job training for the purpose of ob-  
 12 taining an industry-related certification to install energy  
 13 efficient buildings technologies, including technologies de-  
 14 scribed in section 307(b)(3) of the Energy Conservation  
 15 and Production Act (42 U.S.C. 6836(b)(3)).

16       (b) ELIGIBILITY.—To be eligible to obtain a grant  
 17 under subsection (a), an entity shall be a nonprofit part-  
 18 nership that—

19               (1) includes the equal participation of industry,  
 20 including public or private employers, and labor or-  
 21 ganizations, including joint labor-management train-  
 22 ing programs, and may include workforce investment  
 23 boards, community-based organizations, qualified  
 24 service and conservation corps, educational institu-  
 25 tions, small businesses, cooperatives, State and local

1 veterans agencies, and veterans service organiza-  
2 tions; and

3 (2) demonstrates—

4 (A) experience in implementing and oper-  
5 ating worker skills training and education pro-  
6 grams;

7 (B) the ability to identify and involve in  
8 training programs carried out under the grant,  
9 target populations of individuals who would  
10 benefit from training and be actively involved in  
11 activities related to energy efficiency and renew-  
12 able energy industries; and

13 (C) the ability to help individuals achieve  
14 economic self-sufficiency.

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

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$10,000,000, to remain available until expended.

21 **SEC. 1109. ENERGY-EFFICIENT AND ENERGY-SAVING IN-**  
22 **FORMATION TECHNOLOGIES.**

23 (a) AMENDMENT.—Subtitle C of title V of the En-  
24 ergy Independence and Security Act of 2007 (Public Law

1 110–140; 121 Stat. 1661) is amended by adding at the  
2 end the following:

3 **“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**  
4 **MATION TECHNOLOGIES.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) DIRECTOR.—The term ‘Director’ means  
7 the Director of the Office of Management and Budg-  
8 et.

9 “(2) INFORMATION TECHNOLOGY.—The term  
10 ‘information technology’ has the meaning given that  
11 term in section 11101 of title 40, United States  
12 Code.

13 “(b) DEVELOPMENT OF IMPLEMENTATION STRAT-  
14 EGY.—Not later than 1 year after the date of enactment  
15 of this section, each Federal agency shall coordinate with  
16 the Director, the Secretary, and the Administrator of the  
17 Environmental Protection Agency to develop an implemen-  
18 tation strategy (that includes best practices and measure-  
19 ment and verification techniques) for the maintenance,  
20 purchase, and use by the Federal agency of energy-effi-  
21 cient and energy-saving information technologies, taking  
22 into consideration the performance goals established under  
23 subsection (d).

1       “(c) ADMINISTRATION.—In developing an implemen-  
2   tation strategy under subsection (b), each Federal agency  
3   shall consider—

4               “(1) advanced metering infrastructure;

5               “(2) energy-efficient data center strategies and  
6   methods of increasing asset and infrastructure utili-  
7   zation;

8               “(3) advanced power management tools;

9               “(4) building information modeling, including  
10   building energy management;

11              “(5) secure telework and travel substitution  
12   tools; and

13              “(6) mechanisms to ensure that the agency re-  
14   alizes the energy cost savings brought about through  
15   increased efficiency and utilization.

16       “(d) PERFORMANCE GOALS.—

17              “(1) IN GENERAL.—Not later than 180 days  
18   after the date of enactment of this section, the Di-  
19   rector, in consultation with the Secretary, shall es-  
20   tablish performance goals for evaluating the efforts  
21   of Federal agencies in improving the maintenance,  
22   purchase, and use of energy-efficient and energy-sav-  
23   ing information technology.

24              “(2) BEST PRACTICES.—The Chief Information  
25   Officers Council established under section 3603 of

1 title 44, United States Code, shall recommend best  
 2 practices for the attainment of the performance  
 3 goals, which shall include Federal agency consider-  
 4 ation of, to the extent applicable by law, the use  
 5 of—

6 “(A) energy savings performance con-  
 7 tracting; and

8 “(B) utility energy services contracting.

9 “(e) REPORTS.—

10 “(1) AGENCY REPORTS.—Each Federal agency  
 11 shall include in the report of the agency under sec-  
 12 tion 527 a description of the efforts and results of  
 13 the agency under this section.

14 “(2) OMB GOVERNMENT EFFICIENCY REPORTS  
 15 AND SCORECARDS.—Effective beginning not later  
 16 than October 1, 2017, the Director shall include in  
 17 the annual report and scorecard of the Director re-  
 18 quired under section 528 a description of the efforts  
 19 and results of Federal agencies under this section.”.

20 (b) CONFORMING AMENDMENT.—The table of con-  
 21 tents for the Energy Independence and Security Act of  
 22 2007 is amended by adding after the item relating to sec-  
 23 tion 529 the following:

“Sec. 530. Energy-efficient and energy-saving information technologies.”.

1 **SEC. 1110. ENERGY EFFICIENT DATA CENTERS.**

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

4 (1) in subsection (b)(2)(D)(iv), by striking “de-  
5 termined by the organization” and inserting “pro-  
6 posed by the stakeholders”;

7 (2) by striking subsection (b)(3); and

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

10 “(c) **STAKEHOLDER INVOLVEMENT.**—The Secretary  
11 and the Administrator shall carry out subsection (b) in  
12 collaboration with the information technology industry and  
13 other key stakeholders, with the goal of producing results  
14 that accurately reflect the most relevant and useful infor-  
15 mation available. In such collaboration, the Secretary and  
16 the Administrator shall pay particular attention to organi-  
17 zations that—

18 “(1) have members with expertise in energy ef-  
19 ficiency and in the development, operation, and  
20 functionality of data centers, information technology  
21 equipment, and software, such as representatives of  
22 hardware manufacturers, data center operators, and  
23 facility managers;

24 “(2) obtain and address input from Department  
25 of Energy National Laboratories or any college, uni-  
26 versity, research institution, industry association,

1 company, or public interest group with applicable ex-  
2 pertise;

3 “(3) follow—

4 “(A) commonly accepted procedures for  
5 the development of specifications; and

6 “(B) accredited standards development  
7 processes; and

8 “(4) have a mission to promote energy effi-  
9 ciency for data centers and information technology.

10 “(d) MEASUREMENTS AND SPECIFICATIONS.—The  
11 Secretary and the Administrator shall consider and assess  
12 the adequacy of the specifications, measurements, best  
13 practices, and benchmarks described in subsection (b) for  
14 use by the Federal Energy Management Program, the En-  
15 ergy Star Program, and other efficiency programs of the  
16 Department of Energy or the Environmental Protection  
17 Agency.

18 “(e) STUDY.—The Secretary, in collaboration with  
19 the Administrator, shall, not later than 4 years after the  
20 date of enactment of the Energy and Natural Resources  
21 Act of 2017, make available to the public a second update  
22 to the Report to Congress on Server and Data Center En-  
23 ergy Efficiency published on August 2, 2007, under sec-  
24 tion 1 of Public Law 109–431 (120 Stat. 2920), that pro-  
25 vides—



1           “(1) a comparison and gap analysis of the esti-  
2           mates and projections contained in the original re-  
3           port and the first update with new data regarding  
4           the period from 2015 through 2019;

5           “(2) an analysis of the energy saving and social  
6           impact of information technologies, including  
7           virtualization, the internet of things, and cloud com-  
8           puting, in the public and private sectors;

9           “(3) an evaluation of the impact of the com-  
10          bination of cloud platforms, mobile devices, social  
11          media, big data, and other newly emerging tech-  
12          nologies on data center energy usage;

13          “(4) an evaluation of water usage in data cen-  
14          ters and recommendations for reductions in such  
15          water usage; and

16          “(5) updated projections and recommendations  
17          for best practices through fiscal year 2025.

18          “(f) DATA CENTER ENERGY PRACTITIONER PRO-  
19          GRAM.—The Secretary, in collaboration with key stake-  
20          holders and the Director of the Office of Management and  
21          Budget, shall maintain a data center energy practitioner  
22          program that leads to the certification of energy practi-  
23          tioners qualified to evaluate the energy usage and effi-  
24          ciency opportunities in Federal data centers. Each Federal  
25          agency shall consider having the data centers of the agen-

1 cy evaluated every 4 years, in accordance with section  
2 543(f) of the National Energy Conservation Policy Act (42  
3 U.S.C. 8253), by energy practitioners certified pursuant  
4 to such program.

5 “(g) OPEN DATA INITIATIVE.—The Secretary, in col-  
6 laboration with key stakeholders and the Director of the  
7 Office of Management and Budget, shall establish an open  
8 data initiative for Federal data center energy usage data,  
9 with the purpose of making such data available and acces-  
10 sible in a manner that encourages further data center in-  
11 novation, optimization, and consolidation. In establishing  
12 the initiative, the Secretary shall consider the use of the  
13 online Data Center Maturity Model.

14 “(h) INTERNATIONAL SPECIFICATIONS AND  
15 METRICS.—The Secretary, in collaboration with key  
16 stakeholders, shall actively participate in efforts to har-  
17 monize global specifications and metrics for data center  
18 energy and water efficiency.

19 “(i) DATA CENTER UTILIZATION METRIC.—The Sec-  
20 retary, in collaboration with key stakeholders, shall facili-  
21 tate the development of an efficiency metric that measures  
22 the energy efficiency of a data center (including equipment  
23 and facilities).

24 “(j) PROTECTION OF PROPRIETARY INFORMATION.—  
25 The Secretary and the Administrator shall not disclose

1 any proprietary information or trade secrets provided by  
 2 any individual or company for the purposes of carrying  
 3 out this section or the programs and initiatives established  
 4 under this section.”.

5 **SEC. 1111. WEATHERIZATION ASSISTANCE PROGRAM.**

6 (a) REAUTHORIZATION OF WEATHERIZATION AS-  
 7 SISTANCE PROGRAM.—Section 422 of the Energy Con-  
 8 servation and Production Act (42 U.S.C. 6872) is amend-  
 9 ed by striking “appropriated—” and all that follows  
 10 through the period at the end and inserting “appropriated  
 11 \$350,000,000 for each of fiscal years 2018 through  
 12 2022.”.

13 (b) GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-  
 14 COME, SINGLE-FAMILY AND MULTIFAMILY HOUSING EN-  
 15 ERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE  
 16 MULTISTATE HOUSING AND ENERGY NONPROFIT ORGA-  
 17 NIZATIONS.—The Energy Conservation and Production  
 18 Act is amended by inserting after section 414B (42 U.S.C.  
 19 6864b) the following:

20 **“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-**  
 21 **COME, SINGLE-FAMILY AND MULTIFAMILY**  
 22 **HOUSING ENERGY RETROFIT MODEL PRO-**  
 23 **GRAMS TO ELIGIBLE MULTISTATE HOUSING**  
 24 **AND ENERGY NONPROFIT ORGANIZATIONS.**

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

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

4           “(2) to promote innovation and new models of  
 5           retrofitting low-income homes through new Federal  
 6           partnerships with covered organizations that lever-  
 7           age substantial donations, donated materials, volun-  
 8           teer labor, homeowner labor equity, and other pri-  
 9           vate sector resources;

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

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

18           “(b) DEFINITIONS.—In this section:

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

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

24                   “(B) has an established record of con-  
 25                   structing, renovating, repairing, or making en-

1           ergy efficient a total of not less than 250  
 2           owner-occupied, single-family or multifamily  
 3           homes per year for low-income households, ei-  
 4           ther directly or through affiliates, chapters, or  
 5           other direct partners (using the most recent  
 6           year for which data are available).

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

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

22          “(c) COMPETITIVE GRANT PROGRAM.—The Sec-  
 23          retary shall make grants to covered organizations through  
 24          a national competitive process for use in accordance with  
 25          this section.

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

3               “(1) the number of low-income homes the appli-  
4 cant—

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

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

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

16               “(3) the number and diversity of States and cli-  
17 mates in which the applicant works as of the date  
18 of the application;

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

24               “(5) the extent to which the applicant could  
25 successfully replicate the energy retrofit program of

1 the applicant and sustain the program after the  
2 grant funds have been expended;

3 “(6) regional diversity;

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

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

7 “(e) APPLICATIONS.—

8 “(1) IN GENERAL.—Not later than 180 days  
9 after the date of enactment of this section, the Sec-  
10 retary shall request proposals from covered organiza-  
11 tions.

12 “(2) ADMINISTRATION.—To be eligible to re-  
13 ceive a grant under this section, an applicant shall  
14 submit to the Secretary an application at such time,  
15 in such manner, and containing such information as  
16 the Secretary may require.

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

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

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

25 “(2) energy efficiency materials and supplies;

1 “(3) organizational capacity—

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

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

6 “(C) to ensure that the program is self-  
7 sustaining after the Federal grant funds are ex-  
8 pended;

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

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

13 “(6) quality control and improvement;

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

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

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

20 “(10) labor and training activities; and

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

23 “(g) MAXIMUM AMOUNT.—

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



1           “(A) if the amount made available to carry  
2           out this section for a fiscal year is  
3           \$225,000,000 or more, \$5,000,000; and

4           “(B) if the amount made available to carry  
5           out this section for a fiscal year is less than  
6           \$225,000,000, \$1,500,000.

7           “(2) TECHNICAL AND TRAINING ASSISTANCE.—  
8           The total amount of a grant provided under this sec-  
9           tion shall be reduced by the cost of any technical  
10          and training assistance provided by the Secretary  
11          that relates to the grant.

12          “(h) GUIDELINES.—

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

17               “(2) ADMINISTRATION.—The guidelines—

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

21                       “(B) may rely on applicable provisions of  
22                       law governing the Weatherization Assistance  
23                       Program for Low-Income Persons to estab-  
24                       lish—

1 “(i) standards for allowable expendi-  
2 tures;

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

5 “(iii) standards—

6 “(I) to carry out training pro-  
7 grams;

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

10 “(III) to provide technical assist-  
11 ance;

12 “(IV) to monitor program activi-  
13 ties; and

14 “(V) to verify energy and cost  
15 savings;

16 “(iv) liability insurance requirements;  
17 and

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

23 “(i) REVIEW AND EVALUATION.—The Secretary shall  
24 review and evaluate the performance of any covered orga-

1 nization that receives a grant under this section (which  
2 may include an audit), as determined by the Secretary.

3 “(j) COMPLIANCE WITH STATE AND LOCAL LAW.—

4 Nothing in this section or any program carried out using  
5 a grant provided under this section supersedes or other-  
6 wise affects any State or local law, to the extent that the  
7 State or local law contains a requirement that is more  
8 stringent than the applicable requirement of this section.

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

11 “(1) findings;

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

14 “(3) any recommendations for further action.

15 “(l) FUNDING.—Of the amount of funds that are  
16 made available to carry out the Weatherization Assistance  
17 Program for each of fiscal years 2018 through 2022 under  
18 section 422, the Secretary shall use to carry out this sec-  
19 tion for each of fiscal years 2018 through 2022 not more  
20 than—

21 “(1) 2 percent of the amount if the amount is  
22 less than \$225,000,000;

23 “(2) 5 percent of the amount if the amount is  
24 \$225,000,000 or more but less than \$260,000,000;  
25 and

1           “(3) 10 percent of the amount if the amount is  
2       \$260,000,000 or more.”.

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

6       “(f) STANDARDS PROGRAM.—

7           “(1) CONTRACTOR QUALIFICATION.—Effective  
8       beginning January 1, 2017, to be eligible to carry  
9       out weatherization using funds made available under  
10      this part, a contractor shall be selected through a  
11      competitive bidding process and be—

12           “(A) accredited by the Building Perform-  
13      ance Institute;

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

17           “(C) accredited by an equivalent accredita-  
18      tion or program accreditation-based State cer-  
19      tification program approved by the Secretary.

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

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

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

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

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

12 “(C) TRAINING.—The Secretary shall use  
13 training and technical assistance funds available  
14 to the Secretary to assist covered organizations  
15 under section 414C in providing training to ob-  
16 tain certification required under this subsection,  
17 including provisional or temporary certification.

18 “(3) MINIMUM EFFICIENCY STANDARDS.—Ef-  
19 fective beginning October 1, 2017, the Secretary  
20 shall ensure that—

21 “(A) each retrofit for which weatherization  
22 assistance is provided under this part meets  
23 minimum efficiency and quality of work stand-  
24 ards established by the Secretary after weather-  
25 ization of a dwelling unit;

1 “(B) at least 10 percent of the dwelling  
 2 units are randomly inspected by a third party  
 3 accredited under this subsection to ensure com-  
 4 pliance with the minimum efficiency and quality  
 5 of work standards established under subpara-  
 6 graph (A); and

7 “(C) the standards established under this  
 8 subsection meet or exceed the industry stand-  
 9 ards for home performance work that are in ef-  
 10 fect on the date of enactment of this subsection,  
 11 as determined by the Secretary.”.

12 **SEC. 1112. REAUTHORIZATION OF STATE ENERGY PRO-**  
 13 **GRAM.**

14 Section 365(f) of the Energy Policy and Conservation  
 15 Act (42 U.S.C. 6325(f)) is amended by striking  
 16 “\$125,000,000 for each of fiscal years 2007 through  
 17 2012” and inserting “\$90,000,000 for each of fiscal years  
 18 2018 through 2022, of which not greater than 5 percent  
 19 may be used to provide competitively awarded financial as-  
 20 sistance”.

21 **SEC. 1113. SMART BUILDING ACCELERATION.**

22 (a) DEFINITIONS.—In this section:

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

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

4                   (A) is flexible and automated;

5                   (B) has extensive operational monitoring  
6       and communication connectivity, allowing re-  
7       mote monitoring and analysis of all building  
8       functions;

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

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

15                  (E) protects the health and safety of occu-  
16      pants and workers; and

17                  (F) is cybersecure.

18           (3) SMART BUILDING ACCELERATOR.—The  
19      term “smart building accelerator” means an initia-  
20      tive that is designed to demonstrate specific innova-  
21      tive policies and approaches—

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

1 (B) that, on successful demonstration,  
2 would accelerate investment in energy effi-  
3 ciency.

4 (b) FEDERAL SMART BUILDING PROGRAM.—

5 (1) ESTABLISHMENT.—Not later than 1 year  
6 after the date of enactment of this Act, the Sec-  
7 retary shall, in consultation with the Administrator  
8 of General Services, establish a program to be  
9 known as the “Federal Smart Building Program”—

10 (A) to implement smart building tech-  
11 nology; and

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

14 (2) SELECTION.—

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

22 (B) INCLUSION OF COMMERCIALY OPER-  
23 ATED BUILDINGS.—In making selections under  
24 subparagraph (A), the Secretary may include



1 buildings that are owned by the Federal Gov-  
2 ernment but are commercially operated.

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

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

- 12 (A) the Department of the Army;
- 13 (B) the Department of the Navy;
- 14 (C) the Department of the Air Force;
- 15 (D) the Department;
- 16 (E) the Department of the Interior;
- 17 (F) the Department of Veterans Affairs;

18 and

- 19 (G) the General Services Administration.

20 (5) REQUIREMENT.—In implementing the pro-  
21 gram, the Secretary shall leverage existing financing  
22 mechanisms including energy savings performance  
23 contracts, utility energy service contracts, and an-  
24 nual appropriations.

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

7           (A) which advanced building tech-  
8       nologies—

9           (i) are most cost-effective; and

10          (ii) show the most promise for—

11               (I) increasing building energy  
12       savings;

13               (II) increasing service perform-  
14       ance to building occupants;

15               (III) reducing environmental im-  
16       pacts; and

17               (IV) establishing cybersecurity;

18       and

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

21       (7) AWARDS.—The Secretary may expand  
22       awards made under the Federal Energy Manage-  
23       ment Program and the Better Building Challenge to  
24       recognize specific agency achievements in accel-  
25       erating the adoption of smart building technologies.

1       (c) SURVEY OF PRIVATE SECTOR SMART BUILD-  
2 INGS.—

3           (1) SURVEY.—The Secretary shall conduct a  
4 survey of privately owned smart buildings through-  
5 out the United States, including commercial build-  
6 ings, laboratory facilities, hospitals, multifamily resi-  
7 dential buildings, and buildings owned by nonprofit  
8 organizations and institutions of higher education.

9           (2) SELECTION.—From among the smart build-  
10 ings surveyed under paragraph (1), the Secretary  
11 shall select not fewer than 1 building each from an  
12 appropriate range of building sizes, types, and geo-  
13 graphic locations.

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

20           (A) which advanced building technologies  
21 and systems—

22                   (i) are most cost-effective; and

23                   (ii) show the most promise for—

24                           (I) increasing building energy  
25 savings;

- 1 (II) increasing service perform-  
2 ance to building occupants;  
3 (III) reducing environmental im-  
4 pacts; and  
5 (IV) establishing cybersecurity;  
6 and

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

9 (d) LEVERAGING EXISTING PROGRAMS.—

10 (1) BETTER BUILDING CHALLENGE.—As part  
11 of the Better Building Challenge of the Department,  
12 the Secretary, in consultation with major private  
13 sector property owners, shall develop smart building  
14 accelerators to demonstrate innovative policies and  
15 approaches that will accelerate the transition to  
16 smart buildings in the public, institutional, and com-  
17 mercial buildings sectors.

18 (2) RESEARCH AND DEVELOPMENT.—

19 (A) IN GENERAL.—The Secretary shall  
20 conduct research and development to address  
21 key barriers to the integration of advanced  
22 building technologies and to accelerate the tran-  
23 sition to smart buildings.

1 (B) INCLUSION.—The research and devel-  
2 opment conducted under subparagraph (A)  
3 shall include research and development on—

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

7 (ii) improving physical components,  
8 such as sensors and controls, to be adapt-  
9 ive, anticipatory, and networked;

10 (iii) reducing the cost of key compo-  
11 nents to accelerate the adoption of smart  
12 building technologies;

13 (iv) data management, including the  
14 capture and analysis of data and the inter-  
15 operability of the energy systems;

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

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

1 (vii) integration and application of  
2 combined heat and power systems and en-  
3 ergy storage for resiliency;

4 (viii) characterization of buildings and  
5 components;

6 (ix) consumer and utility protections;

7 (x) continuous management, including  
8 the challenges of managing multiple energy  
9 systems and optimizing systems for dis-  
10 parate stakeholders; and

11 (xi) other areas of research and devel-  
12 opment, as determined appropriate by the  
13 Secretary.

14 (e) REPORT.—Not later than 2 years after the date  
15 of enactment of this Act, and every 2 years thereafter until  
16 a total of 3 reports have been made, the Secretary shall  
17 submit to the Committee on Energy and Natural Re-  
18 sources of the Senate and the Committee on Energy and  
19 Commerce and the Committee on Science, Space, and  
20 Technology of the House of Representatives a report on—

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

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

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

3 **SEC. 1114. REPEAL OF FOSSIL PHASE-OUT.**

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

7 **SEC. 1115. FEDERAL BUILDING ENERGY EFFICIENCY PER-**  
8 **FORMANCE STANDARDS.**

9           (a) DEFINITIONS.—Section 303 of the Energy Con-  
10          servation and Production Act (42 U.S.C. 6832) (as  
11          amended by section 1101(a)) is amended—

12                 (1) in paragraph (6), by striking “to be con-  
13                 structed” and inserting “constructed or altered”;  
14                 and

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

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

22           (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—  
23          Section 305(a)(3) of the Energy Conservation and Pro-  
24          duction Act (42 U.S.C. 6834(a)(3)) (as amended by sec-  
25          tion 1114) is amended—

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

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

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

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy and Natural Resources Act of 2017, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

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

“(aa) meet or exceed the most recent revision of the International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) as of the date of en-



1 actment of the Energy and Nat-  
2 ural Resources Act of 2017; and

3 “(bb) meet or exceed the en-  
4 ergy provisions of State and local  
5 building codes applicable to the  
6 building, if the codes are more  
7 stringent than the International  
8 Energy Conservation Code or  
9 ASHRAE Standard 90.1, as ap-  
10 plicable;

11 “(II) unless demonstrated not to  
12 be life-cycle cost effective for new  
13 Federal buildings and Federal build-  
14 ings with major renovations—

15 “(aa) the buildings be de-  
16 signed to achieve energy con-  
17 sumption levels that are at least  
18 30 percent below the levels estab-  
19 lished in the version of the  
20 ASHRAE Standard or the Inter-  
21 national Energy Conservation  
22 Code, as appropriate, that is ap-  
23 plied under subclause (I)(aa), in-  
24 cluding updates under subpara-  
25 graph (B); and

1                   “(bb) sustainable design  
2                   principles are applied to the loca-  
3                   tion, siting, design, and construc-  
4                   tion of all new Federal buildings  
5                   and replacement Federal build-  
6                   ings;

7                   “(III) if water is used to achieve  
8                   energy efficiency, water conservation  
9                   technologies shall be applied to the ex-  
10                  tent that the technologies are life-  
11                  cycle cost effective; and

12                  “(IV) if life-cycle cost effective,  
13                  as compared to other reasonably avail-  
14                  able technologies, not less than 30  
15                  percent of the hot water demand for  
16                  each new Federal building or Federal  
17                  building undergoing a major renova-  
18                  tion be met through the installation  
19                  and use of solar hot water heaters.

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

24                  “(B) UPDATES.—Not later than 1 year  
25                  after the date of approval of each subsequent

1 revision of the ASHRAE Standard or the Inter-  
 2 national Energy Conservation Code, as appro-  
 3 priate, the Secretary shall determine whether  
 4 the revised standards established under sub-  
 5 paragraph (A) should be updated to reflect the  
 6 revisions, based on the energy savings and life-  
 7 cycle cost-effectiveness of the revisions.”; and  
 8 (2) in subparagraph (C), by striking “(C) In  
 9 the budget request” and inserting the following:

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

12 **SEC. 1116. FEDERAL BUILDING ENERGY INTENSITY IM-**  
 13 **PROVEMENT.**

14 Beginning in fiscal year 2018 and each fiscal year  
 15 thereafter through fiscal year 2027, the head of each Fed-  
 16 eral agency shall, unless otherwise specified and where  
 17 life-cycle cost-effective, promote building energy conserva-  
 18 tion, efficiency, and management by reducing, in Federal  
 19 buildings of the agency, building energy intensity, as  
 20 measured in British thermal units per gross square foot,  
 21 by 2.5 percent each fiscal year, relative to the baseline  
 22 of the building energy use of the applicable Federal build-  
 23 ings in fiscal year 2017 and after taking into account the  
 24 progress of the Federal agency in preceding fiscal years.

1 **SEC. 1117. CERTIFICATION FOR GREEN BUILDINGS.**

2 Section 305 of the Energy Conservation and Produc-  
3 tion Act (42 U.S.C. 6834) (as amended by section  
4 1115(b)) is amended—

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

7 “(D) CERTIFICATION FOR GREEN BUILD-  
8 INGS.—

9 “(i) SUSTAINABLE DESIGN PRIN-  
10 CIPLES.—Sustainable design principles  
11 shall be applied to the siting, design, and  
12 construction of buildings covered by this  
13 subparagraph.

14 “(ii) SELECTION OF CERTIFICATION  
15 SYSTEMS.—The Secretary, after reviewing  
16 the findings of the Federal Director under  
17 section 436(h) of the Energy Independence  
18 and Security Act of 2007 (42 U.S.C.  
19 17092(h)), in consultation with the Admin-  
20 istrator of General Services, and in con-  
21 sultation with the Secretary of Defense re-  
22 lating to those facilities under the custody  
23 and control of the Department of Defense,  
24 shall determine those certification systems  
25 for green commercial and residential build-  
26 ings that the Secretary determines to be

1 the most likely to encourage a comprehen-  
2 sive and environmentally sound approach  
3 to certification of green buildings.

4 “(iii) BASIS FOR SELECTION.—The  
5 determination of the certification systems  
6 under clause (ii) shall be based on ongoing  
7 review of the findings of the Federal Direc-  
8 tor under section 436(h) of the Energy  
9 Independence and Security Act of 2007  
10 (42 U.S.C. 17092(h)) and the criteria de-  
11 scribed in clause (v).

12 “(iv) ADMINISTRATION.—In deter-  
13 mining certification systems under this  
14 subparagraph, the Secretary shall—

15 “(I) make a separate determina-  
16 tion for all or part of each system;  
17 and

18 “(II) confirm that the criteria  
19 used to support the selection of build-  
20 ing products, materials, brands, and  
21 technologies—

22 “(aa) are based on relevant  
23 technical data;

24 “(bb) use and reward eval-  
25 uation of health, safety, and envi-

1                   ronmental risks and impacts  
2                   across the lifecycle of the build-  
3                   ing product, material, brand, or  
4                   technology, including methodolo-  
5                   gies generally accepted by the ap-  
6                   plicable scientific disciplines;

7                   “(cc) as reasonably prac-  
8                   ticable, give a preference to per-  
9                   formance standards instead of  
10                  prescriptive measures; and

11                  “(dd) reward continual im-  
12                  provements in the lifecycle man-  
13                  agement of health, safety, and  
14                  environmental risks and impacts.

15                  “(v) CONSIDERATIONS.—In deter-  
16                  mining the green building certification sys-  
17                  tems under this subparagraph, the Sec-  
18                  retary shall take into consideration—

19                  “(I) the ability and availability of  
20                  assessors and auditors to independ-  
21                  ently verify the criteria and measure-  
22                  ment of metrics at the scale necessary  
23                  to implement this subparagraph;

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

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

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

11 “(aa) efficient and sustain-  
12 able use of water, energy, and  
13 other natural resources;

14 “(bb) the use of renewable  
15 energy sources;

16 “(cc) improved indoor envi-  
17 ronmental quality through en-  
18 hanced indoor air quality, ther-  
19 mal comfort, acoustics, day light-  
20 ing, pollutant source control, and  
21 use of low-emission materials and  
22 building system controls;

23 “(dd)(AA) respecting the  
24 sourcing of grown, harvested, or  
25 mined materials; and

1                   “(BB) rewarding cer-  
 2                   tifications of responsible  
 3                   sourcing, such as certifi-  
 4                   cations provided by the For-  
 5                   est Stewardship Council, the  
 6                   Sustainable Forestry Initia-  
 7                   tive, the American Tree  
 8                   Farm System, and the Pro-  
 9                   gramme for the Endorse-  
 10                  ment of Forest Certification;  
 11                  and

12                  “(ee) such other criteria as  
 13                  the Secretary determines to be  
 14                  appropriate; and

15                  “(V) national recognition within  
 16                  the building industry.

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

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



1 “(II) the identification made by  
2 the Federal Director under section  
3 436(h) of the Energy Independence  
4 and Security Act of 2007 (42 U.S.C.  
5 17092(h)).

6 “(vii) EXCLUSIONS.—

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

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

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

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

23 “(II) ENTIRE SYSTEMS.—The  
24 Secretary shall exclude an entire sys-

tem from use if an exclusion under  
subclause (I)—

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

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

“(cc) increases agency costs  
of the use.

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

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

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

“(xi) EFFECTIVE DATE.—

“(I) DETERMINATIONS MADE AFTER DECEMBER 31, 2017.—This subparagraph shall apply to any determination made by a Federal agency after December 31, 2017.

“(II) DETERMINATIONS MADE ON OR BEFORE DECEMBER 31, 2017.—This subparagraph (as in effect on the day before the date of enactment of the Energy and Natural Resources Act of 2017) shall apply to any use of a certification system for green commercial and residential buildings by a Federal agency on or before December 31, 2017.”; and

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

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

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

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

11 **SEC. 1118. HIGH-PERFORMANCE GREEN FEDERAL BUILD-**  
12 **INGS.**

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

15 (1) in the subsection heading, by striking “Sys-  
16 tem” and inserting “Systems”;

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

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

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

3 (3) in paragraph (2)—

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

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

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

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

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

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

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

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

“(G) a finding that, for all credits addressing the sourcing of grown, harvested, or mined materials, the system rewards the use of products that have obtained certifications of responsible sourcing, such as the certifications provided by the Forest Stewardship Council, the Sustainable Forestry Initiative, the American Tree Farm System, and the Programme for the Endorsement of Forest Certification; and

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

**SEC. 1119. EVALUATION OF POTENTIALLY DUPLICATIVE  
GREEN BUILDING PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

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

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

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or other program administered by the agency; and

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

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

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

(B) administered by—

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

17 (3) COMPTROLLER GENERAL.—The term  
 18 “Comptroller General” means the Comptroller Gen-  
 19 eral of the United States.

20 (4) SERVICE.—

21 (A) IN GENERAL.—Subject to subpara-  
 22 graph (B), the term “service” has the meaning  
 23 given the term by the Director of the Office of  
 24 Management and Budget.



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

6 (i) the provision of technical assist-  
 7 ance;

8 (ii) assistance for housing or tuition;  
 9 or

10 (iii) financial support (including  
 11 grants, loans, tax credits, and tax deduc-  
 12 tions).

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than January 1,  
 15 2018, the Comptroller General, in consultation with  
 16 the agency heads described in clauses (i) through  
 17 (xi) of subsection (a)(2)(B), shall submit to Con-  
 18 gress and make available on the public Internet  
 19 website of the Government Accountability Office a  
 20 report that describes the applicable programs.

21 (2) REQUIREMENTS.—In preparing the report  
 22 under paragraph (1), the Comptroller General  
 23 shall—

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

4 (B) determine the approximate annual ex-  
5 penditures for services for each applicable pro-  
6 gram attributable to green buildings;

7 (C) describe the intended market for each  
8 applicable program attributable to green build-  
9 ings, including the—

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

12 (ii) beneficiaries who received services  
13 or information under the applicable pro-  
14 gram (if applicable and if data is readily  
15 available);

16 (D) estimate—

17 (i) the number of full-time employees  
18 who administer activities attributable to  
19 green buildings for each applicable pro-  
20 gram; and

21 (ii) the number of full-time equiva-  
22 lents (the salary of whom is paid in part  
23 or full by the Federal Government through  
24 a grant or contract, a subaward of a grant  
25 or contract, a cooperative agreement, or

1 another form of financial award or assist-  
2 ance) who assist in administering activities  
3 attributable to green buildings for the ap-  
4 plicable program;

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

10 (F) identify the type of recipient who is in-  
11 tended to benefit from the services or informa-  
12 tion provided under the applicable program at-  
13 tributable to green buildings, such as individual  
14 property owners or renters, local governments,  
15 businesses, nonprofit organizations, or State  
16 governments; and

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

19 (c) RECOMMENDATIONS.—Not later than January 1,  
20 2018, the Comptroller General, in consultation with the  
21 agency heads described in clauses (i) through (xi) of sub-  
22 section (a)(2)(B), shall submit to Congress a report that  
23 includes—

24 (1) a recommendation of whether any applicable  
25 program should be eliminated or consolidated, in-

1 including any legislative changes that would be nec-  
2 essary to eliminate or consolidate applicable pro-  
3 grams; and

4 (2) methods to improve the applicable programs  
5 by establishing program goals or increasing collabo-  
6 ration to reduce any potential overlap or duplication,  
7 taking into account—

8 (A) the 2011 report of the Government Ac-  
9 countability Office entitled “Federal Initiatives  
10 for the NonFederal Sector Could Benefit from  
11 More Interagency Collaboration”; and

12 (B) the report of the Government Account-  
13 ability Office entitled “2012 Annual Report:  
14 Opportunities to Reduce Duplication, Overlap  
15 and Fragmentation, Achieve Savings, and En-  
16 hance Revenue”.

17 (d) ANALYSES.—Not later than January 1, 2018, the  
18 Comptroller General, in consultation with the agency  
19 heads described in clauses (i) through (xi) of subsection  
20 (a)(2)(B), shall identify—

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

23 (2) which applicable programs are carried out  
24 solely under the discretionary authority of the Sec-

1       retary or any agency head described in clauses (ii)  
2       through (xi) of subsection (a)(2)(B).

3   **SEC. 1120. STUDY AND REPORT ON ENERGY SAVINGS BENE-**  
4                   **FITS OF OPERATIONAL EFFICIENCY PRO-**  
5                   **GRAMS AND SERVICES.**

6       (a) DEFINITION OF OPERATIONAL EFFICIENCY PRO-  
7   GRAMS AND SERVICES.—In this section, the term “oper-  
8   ational efficiency programs and services” means programs  
9   and services that use information and communications  
10   technologies (including computer hardware, energy effi-  
11   ciency software, and power management tools) to operate  
12   buildings and equipment in the optimum manner at the  
13   optimum times.

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

20       (c) MEASUREMENT AND VERIFICATION OF ENERGY  
21   SAVINGS.—The report required under this section shall in-  
22   clude potential methodologies or protocols for utilities,  
23   utility regulators, and Federal agencies to evaluate, meas-  
24   ure, and verify energy savings from operational efficiency  
25   programs and services.

1 **SEC. 1121. USE OF FEDERAL DISASTER RELIEF AND EMER-**  
 2 **GENCY ASSISTANCE FOR ENERGY-EFFICIENT**  
 3 **PRODUCTS AND STRUCTURES.**

4 (a) IN GENERAL.—Title III of the Robert T. Stafford  
 5 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
 6 5141 et seq.) is amended by adding at the end the fol-  
 7 lowing:

8 **“SEC. 328. USE OF ASSISTANCE FOR ENERGY-EFFICIENT**  
 9 **PRODUCTS AND STRUCTURES.**

10 “(a) DEFINITIONS.—In this section—

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

13 “(A) meets or exceeds the requirements for  
 14 designation under an Energy Star program es-  
 15 tablished under section 324A of the Energy  
 16 Policy and Conservation Act (42 U.S.C.  
 17 6294a); or

18 “(B) meets or exceeds the requirements for  
 19 designation as being among the highest 25 per-  
 20 cent of equivalent products for energy efficiency  
 21 under the Federal Energy Management Pro-  
 22 gram; and

23 “(2) the term ‘energy-efficient structure’ means  
 24 a residential structure, a public facility, or a private  
 25 nonprofit facility that meets or exceeds the require-  
 26 ments of Standard 90.1–2013 of the American Soci-

1 ety of Heating, Refrigerating and Air-Conditioning  
 2 Engineers or the 2015 International Energy Con-  
 3 servation Code, or any successor thereto.

4 “(b) USE OF ASSISTANCE.—A recipient of assistance  
 5 relating to a major disaster or emergency may use the as-  
 6 sistance to replace or repair a damaged product or struc-  
 7 ture with an energy-efficient product or energy-efficient  
 8 structure.”.

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

15 **SEC. 1122. WATERSENSE.**

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

19 **“SEC. 324B. WATERSENSE.**

20 “(a) ESTABLISHMENT OF WATERSENSE PRO-  
 21 GRAM.—

22 “(1) IN GENERAL.—There is established within  
 23 the Environmental Protection Agency a voluntary  
 24 WaterSense program to identify and promote water-  
 25 efficient products, buildings, landscapes, facilities,

1 processes, and services that, through voluntary label-  
 2 ing of, or other forms of communications regarding,  
 3 products, buildings, landscapes, facilities, processes,  
 4 and services while meeting strict performance cri-  
 5 teria, sensibly—

6 “(A) reduce water use;

7 “(B) reduce the strain on public and com-  
 8 munity water systems and wastewater and  
 9 stormwater infrastructure;

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

12 “(D) preserve water resources for future  
 13 generations.

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

20 “(A) irrigation technologies and services;

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

22 “(C) plumbing products;

23 “(D) reuse and recycling technologies;



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

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

6           “(G) whole house humidifiers; and

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

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

10       “(1) establish—

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

14       “(B) the procedure, including the methods  
15       and means, and criteria by which an item may  
16       be certified to display the WaterSense label,  
17       minimizing unintended or negative impacts to  
18       wastewater treatment works, recycled water  
19       quality, or water quality in receiving water;

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

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

1           “(A) establishing and maintaining feasible  
2           performance criteria so that products, build-  
3           ings, landscapes, facilities, processes, and serv-  
4           ices labeled with the WaterSense label perform  
5           as well or better than less water-efficient coun-  
6           terparts;

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

9           “(C) as determined appropriate by the Ad-  
10          ministrators, using testing protocols, from the  
11          appropriate, applicable, and relevant consensus  
12          standards, for the purpose of determining  
13          standards compliance; and

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

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

21          “(5) in revising a WaterSense specification—

22               “(A) provide reasonable notice to inter-  
23               ested parties and the public of any changes, in-  
24               cluding effective dates, and an explanation of  
25               the changes;

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

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

6           “(D) provide an appropriate transition  
7 time prior to the applicable effective date of any  
8 changes, taking into account the timing nec-  
9 essary for the manufacture, marketing, train-  
10 ing, and distribution of the specific water-effi-  
11 cient product, building, landscape, process, or  
12 service category being addressed; and

13           “(6) not later than December 31, 2019, con-  
14 sider for review and revision any WaterSense speci-  
15 fication adopted before January 1, 2012.

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

24           “(d) DISTINCTION OF AUTHORITIES.—In setting or  
25 maintaining specifications for Energy Star pursuant to

1 section 324A, and WaterSense under this section, the Sec-  
 2 retary and Administrator shall coordinate to prevent du-  
 3 plicative or conflicting requirements among the respective  
 4 programs.

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

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

“Sec. 324B. WaterSense.”.

## 11 **Subtitle B—Appliances**

### 12 **SEC. 1201. EXTENDED PRODUCT SYSTEM REBATE PRO-** 13 **GRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELECTRIC MOTOR.—The term “electric  
 16 motor” has the meaning given the term in section  
 17 431.12 of title 10, Code of Federal Regulations (as  
 18 in effect on the date of enactment of this Act).

19 (2) ELECTRONIC CONTROL.—The term “elec-  
 20 tronic control” means—

21 (A) a power converter; or

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

24 (3) EXTENDED PRODUCT SYSTEM.—The term  
 25 “extended product system” means an electric motor

1 and any required associated electronic control and  
2 driven load that—

3 (A) offers variable speed or multispeed op-  
4 eration;

5 (B) offers partial load control that reduces  
6 input energy requirements (as measured in kilo-  
7 watt-hours) as compared to identified base lev-  
8 els set by the Secretary; and

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

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

12 (4) QUALIFIED EXTENDED PRODUCT SYS-  
13 TEM.—

14 (A) IN GENERAL.—The term “qualified ex-  
15 tended product system” means an extended  
16 product system that—

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

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

1 (B) INCLUSIONS.—The term “qualified ex-  
2 tended product system” includes commercial or  
3 industrial machinery or equipment that—

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

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

11 (ii) was previously used prior to, and  
12 was placed back into service during, cal-  
13 endar year 2017 or 2018.

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

19 (c) QUALIFIED ENTITIES.—

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

22 (A) in the case of a qualified extended  
23 product system described in subsection  
24 (a)(4)(A), the purchaser of the qualified ex-  
25 tended product that is installed; and

1 (B) in the case of a qualified extended  
2 product system described in subsection  
3 (a)(4)(B), the manufacturer of the commercial  
4 or industrial machinery or equipment that in-  
5 corporated the extended product system into  
6 that machinery or equipment.

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

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

13 (B) a certification that includes dem-  
14 onstrated evidence—

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

16 and

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

19 (aa) that the qualified entity in-  
20 stalled the qualified extended product  
21 system during the 2 fiscal years fol-  
22 lowing the date of enactment of this  
23 Act;

1 (bb) that the qualified extended  
2 product system meets the require-  
3 ments of subsection (a)(4)(A); and

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

10 (II) in the case of a qualified entity  
11 described in paragraph (1)(B)—

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

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

21 (d) AUTHORIZED AMOUNT OF REBATE.—

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



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

3 (i) the electric motor to which the  
4 qualified extended product system is at-  
5 tached; and

6 (ii) the electronic control; and

7 (B) \$25.

8 (2) MAXIMUM AGGREGATE AMOUNT.—A quali-  
9 fied entity shall not be entitled to aggregate rebates  
10 under this section in excess of \$25,000 per calendar  
11 year.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$5,000,000 for each of the first 2 full fiscal years following  
15 the date of enactment of this Act, to remain available until  
16 expended.

17 **SEC. 1202. ENERGY EFFICIENT TRANSFORMER REBATE**  
18 **PROGRAM.**

19 (a) DEFINITIONS.—In this section:

20 (1) QUALIFIED ENERGY EFFICIENT TRANS-  
21 FORMER.—The term “qualified energy efficient  
22 transformer” means a transformer that meets or ex-  
23 ceeds the applicable energy conservation standards  
24 described in the tables in subsection (b)(2) and  
25 paragraphs (1) and (2) of subsection (c) of section

1 431.196 of title 10, Code of Federal Regulations (as  
2 in effect on the date of enactment of this Act).

3 (2) QUALIFIED ENERGY INEFFICIENT TRANS-  
4 FORMER.—The term “qualified energy inefficient  
5 transformer” means a transformer with an equal  
6 number of phases and capacity to a transformer de-  
7 scribed in any of the tables in subsection (b)(2) and  
8 paragraphs (1) and (2) of subsection (c) of section  
9 431.196 of title 10, Code of Federal Regulations (as  
10 in effect on the date of enactment of this Act)  
11 that—

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

15 (B)(i) was manufactured between January  
16 1, 1985, and December 31, 2006, for a trans-  
17 former with an equal number of phases and ca-  
18 pacity as a transformer described in the table  
19 in subsection (b)(2) of section 431.196 of title  
20 10, Code of Federal Regulations (as in effect on  
21 the date of enactment of this Act); or

22 (ii) was manufactured between January 1,  
23 1990, and December 31, 2009, for a trans-  
24 former with an equal number of phases and ca-  
25 pacity as a transformer described in the table

1           in paragraph (1) or (2) of subsection (c) of that  
2           section (as in effect on the date of enactment  
3           of this Act).

4           (3) QUALIFIED ENTITY.—The term “qualified  
5           entity” means an owner of industrial or manufac-  
6           turing facilities, commercial buildings, or multifamily  
7           residential buildings, a utility, or an energy service  
8           company that fulfills the requirements of subsection  
9           (d).

10          (b) ESTABLISHMENT.—Not later than 90 days after  
11       the date of enactment of this Act, the Secretary shall es-  
12       tablish a program to provide rebates to qualified entities  
13       for expenditures made by the qualified entity for the re-  
14       placement of a qualified energy inefficient transformer  
15       with a qualified energy efficient transformer.

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

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

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

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

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

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

8           (B) for transformers described in sub-  
9 section (a)(2)(B)(i), as selected from a table of  
10 default values as determined by the Secretary  
11 in consultation with applicable industry; and

12          (5) that the qualified energy inefficient trans-  
13 former has been permanently decommissioned and  
14 scrapped.

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

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

23           (A) the qualified energy inefficient trans-  
24 former; and

1 (B) the qualified energy efficient trans-  
2 former; or

3 (2) for a transformer described in subsection  
4 (a)(2)(B)(i), the amount determined using a table of  
5 default rebate values by rated transformer output,  
6 as measured in kilovolt-amperes, as determined by  
7 the Secretary in consultation with applicable indus-  
8 try.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$5,000,000 for each of fiscal years 2018 and 2019, to re-  
12 main available until expended.

13 (f) TERMINATION OF EFFECTIVENESS.—The author-  
14 ity provided by this section terminates on December 31,  
15 2019.

16 **SEC. 1203. THIRD-PARTY CERTIFICATION UNDER ENERGY**  
17 **STAR PROGRAM.**

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

21 “(e) THIRD-PARTY CERTIFICATION.—

22 “(1) IN GENERAL.—Subject to paragraph (2),  
23 not later than 180 days after the date of enactment  
24 of this subsection, the Administrator shall revise the  
25 certification requirements for the labeling of con-

1       sumer, home, and office electronic products for pro-  
2       gram partners that have complied with all require-  
3       ments of the Energy Star program for a period of  
4       at least 18 months.

5               “(2) ADMINISTRATION.—In the case of a pro-  
6       gram partner described in paragraph (1), the new  
7       requirements under paragraph (1)—

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

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

14               “(3) THIRD PARTIES.—Nothing in this sub-  
15       section prevents the Administrator from using third  
16       parties in the course of the administration of the  
17       Energy Star program.

18               “(4) TERMINATION.—

19                      “(A) IN GENERAL.—Subject to subpara-  
20       graph (B), an exemption from third-party cer-  
21       tification provided to a program partner under  
22       paragraph (1) shall terminate if the program  
23       partner is found to have violated program re-  
24       quirements with respect to at least 2 separate  
25       models during a 2-year period.

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

6 **SEC. 1204. APPLICATION OF ENERGY CONSERVATION**  
 7                   **STANDARDS TO CERTAIN EXTERNAL POWER**  
 8                   **SUPPLIES.**

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

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

15                   “(A) EXTERNAL POWER SUPPLY.—

16                               “(i) IN GENERAL.—The term”; and

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

18                               “(ii) EXCLUSION.—The term ‘external  
 19                               power supply’ does not include a power  
 20                               supply circuit, driver, or device that is de-  
 21                               signed exclusively to be connected to, and  
 22                               power—

23                                       “(I) light-emitting diodes pro-  
 24                                       viding illumination;

1 “(II) organic light-emitting di-  
 2 odes providing illumination; or

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

5 (b) STANDARDS FOR LIGHTING POWER SUPPLY CIR-  
 6 CUI TS.—

7 (1) DEFINITION.—Section 340(2)(B) of the  
 8 Energy Policy and Conservation Act (42 U.S.C.  
 9 6311(2)(B)) is amended by striking clause (v) and  
 10 inserting the following:

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

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

17 “(g) LIGHTING POWER SUPPLY CIRCUITS.—If the  
 18 Secretary, acting pursuant to section 341(b), includes as  
 19 a covered equipment solid state lighting power supply cir-  
 20 cuits, drivers, or devices described in section  
 21 321(36)(A)(ii), the Secretary may prescribe under this  
 22 part, not earlier than 1 year after the date on which a  
 23 test procedure has been prescribed, an energy conservation  
 24 standard for such equipment.”.

25 (c) TECHNICAL CORRECTIONS.—



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

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

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

13 **SEC. 1205. CLARIFICATION TO EFFECTIVE DATE FOR RE-**  
 14 **GIONAL STANDARDS.**

15          Section 325(o)(6)(E) of the Energy Policy and Con-  
 16          servation Act (42 U.S.C. 6295(o)(6)(E)) is amended by  
 17          striking clause (ii) and inserting the following:

18                       “(ii) REGIONAL STANDARDS.—

19                               “(I) IN GENERAL.—Except as  
 20                               provided in subclause (II), any addi-  
 21                               tional and more restrictive regional  
 22                               standard established for a product  
 23                               under this paragraph shall apply to  
 24                               the product if the product is installed  
 25                               on or after the effective date of the

1 regional standard in any State in  
 2 which the Secretary has designated  
 3 the standard to apply.

4 “(II) EXCEPTION.—A regional  
 5 standard shall not apply under sub-  
 6 clause (I) to any product that is—

7 “(aa) manufactured before  
 8 the effective date of the regional  
 9 standard; and

10 “(bb) installed not later  
 11 than 1 year after the effective  
 12 date of the regional standard.”.

13 **SEC. 1206. MODIFYING PRODUCT DEFINITIONS.**

14 (a) AUTHORITY TO MODIFY DEFINITIONS.—

15 (1) COVERED PRODUCTS.—Section 322 of the  
 16 Energy Policy and Conservation Act (42 U.S.C.  
 17 6292) is amended by adding at the end the fol-  
 18 lowing:

19 “(c) MODIFYING DEFINITIONS OF COVERED PROD-  
 20 UCTS.—

21 “(1) IN GENERAL.—For any covered product  
 22 for which a definition is provided in section 321, the  
 23 Secretary may, by rule, unless prohibited herein,  
 24 modify such definition in order to—

1           “(A) address significant changes in the  
2           product or the market occurring since the defi-  
3           nition was established; or

4           “(B) better enable improvements in the en-  
5           ergy efficiency of the product and related en-  
6           ergy using systems.

7           “(2) ANTIBACKSLIDING EXEMPTION.—Section  
8           325(o)(1) shall not apply to adjustments to covered  
9           product definitions made pursuant to this sub-  
10          section.

11          “(3) PROCEDURE FOR MODIFYING DEFINI-  
12          TION.—

13               “(A) IN GENERAL.—Notice of any adjust-  
14               ment to the definition of a covered product and  
15               an explanation of the reasons therefor shall be  
16               published in the Federal Register and oppor-  
17               tunity provided for public comment.

18               “(B) CONSENSUS REQUIRED.—Any  
19               amendment to the definition of a covered prod-  
20               uct under this subsection must have consensus  
21               support, as reflected in—

22                       “(i) the outcome of negotiations con-  
23                       ducted in accordance with the subchapter  
24                       III of chapter 5 of title 5, United States

1 Code (commonly known as the ‘Negotiated  
2 Rulemaking Act of 1990’); or

3 “(ii) the Secretary’s receipt of a state-  
4 ment that is submitted jointly by inter-  
5 ested persons that are fairly representative  
6 of relevant points of view (including rep-  
7 resentatives of manufacturers of covered  
8 products, States, and efficiency advocates),  
9 as determined by the Secretary, which con-  
10 tains a recommended modified definition  
11 for a covered product.

12 “(4) EFFECT OF A MODIFIED DEFINITION.—

13 “(A) IN GENERAL.—For any type or class  
14 of consumer product which becomes a covered  
15 product pursuant to this subsection—

16 “(i) the Secretary may establish test  
17 procedures for such type or class of cov-  
18 ered product pursuant to section 323 and  
19 energy conservation standards pursuant to  
20 subsections (o) and (p) of section 325;

21 “(ii) the Commission may prescribe  
22 labeling rules pursuant to section 324 if  
23 the Commission determines that labeling in  
24 accordance with that section is techno-  
25 logically and economically feasible and like-

1           ly to assist consumers in making pur-  
 2           chasing decisions;

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

6           “(iv) standards previously promul-  
 7           gated under section 325 shall not apply to  
 8           such type or class of product.

9           “(B) APPLICABILITY.—For any type or  
 10          class of consumer product which ceases to be a  
 11          covered product pursuant to this subsection, the  
 12          provisions of this part shall no longer apply to  
 13          the type or class of consumer product.”.

14          (2) COVERED EQUIPMENT.—Section 341 of the  
 15          Energy Policy and Conservation Act (42 U.S.C.  
 16          6312) is amended by adding at the end the fol-  
 17          lowing:

18          “(d) MODIFYING DEFINITIONS OF COVERED EQUIP-  
 19          MENT.—

20                 “(1) IN GENERAL.—For any covered equipment  
 21          for which a definition is provided in section 340, the  
 22          Secretary may, by rule, unless prohibited herein,  
 23          modify such definition in order to—

1           “(A) address significant changes in the  
2           product or the market occurring since the defi-  
3           nition was established; or

4           “(B) better enable improvements in the en-  
5           ergy efficiency of the equipment and related en-  
6           ergy using systems.

7           “(2) ANTIBACKSLIDING EXEMPTION.—Section  
8           325(o)(1) shall not apply to adjustments to covered  
9           product definitions made pursuant to this subsection

10          “(3) PROCEDURE FOR MODIFYING DEFINI-  
11          TION.—

12           “(A) IN GENERAL.—Notice of any adjust-  
13           ment to the definition of a type of covered  
14           equipment and an explanation of the reasons  
15           therefor shall be published in the Federal Reg-  
16           ister and opportunity provided for public com-  
17           ment.

18           “(B) CONSENSUS REQUIRED.—Any  
19           amendment to the definition of a type of cov-  
20           ered equipment under this subsection must have  
21           consensus support, as reflected in—

22           “(i) the outcome of negotiations con-  
23           ducted in accordance with the subchapter  
24           III of chapter 5 of title 5, United States

Code (commonly known as the ‘Negotiated Rulemaking Act of 1990’); or

“(ii) the Secretary’s receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered equipment, States, and efficiency advocates), as determined by the Secretary, which contains a recommended modified definition for a type of covered equipment.

“(4) EFFECT OF A MODIFIED DEFINITION.—

“(A) For any type or class of equipment which becomes covered equipment pursuant to this subsection—

“(i) the Secretary may establish test procedures for such type or class of covered equipment pursuant to section 343 and energy conservation standards pursuant to subsections (o) and (p) of section 325;

“(ii) the Secretary may prescribe labeling rules pursuant to section 344 if the Secretary determines that labeling in accordance with that section is techno-

1           logically and economically feasible and like-  
 2           ly to assist purchasers in making pur-  
 3           chasing decisions;

4           “(iii) section 327 shall begin to apply  
 5           to such type or class of covered equipment  
 6           in accordance with section 325(ii)(1); and

7           “(iv) standards previously promul-  
 8           gated under section 325, 342, or 346 shall  
 9           not apply to such type or class of covered  
 10          equipment.

11          “(B) For any type or class of equipment  
 12          which ceases to be covered equipment pursuant  
 13          to this subsection the provisions of this part  
 14          shall no longer apply to the type or class of  
 15          equipment.”.

16          (b) CONFORMING AMENDMENTS PROVIDING FOR JU-  
 17          DICIAL REVIEW.—

18           (1) Section 336 of the Energy Policy and Con-  
 19           servation Act (42 U.S.C. 6306) is amended by strik-  
 20           ing “section 323,” each place it appears and insert-  
 21           ing “section 322, 323,”.

22           (2) Section 345(a)(1) of the Energy Policy and  
 23           Conservation Act (42 U.S.C. 6316(a)(1)) is amend-  
 24           ed to read as follows:



1           “(1) the references to sections 322, 323, 324,  
2           and 325 of this Act shall be considered as references  
3           to sections 341, 343, 344, and 342 of this Act, re-  
4           spectively;”.

5 **SEC. 1207. CLARIFYING RULEMAKING PROCEDURES.**

6           (a) COVERED PRODUCTS.—Section 325(p) of the En-  
7           ergy Policy and Conservation Act (42 U.S.C. 6295(p)) is  
8           amended—

9                   (1) by redesignating paragraphs (1), (2), (3),  
10                  and (4) as paragraphs (2), (3), (5), and (6), respec-  
11                  tively;

12                   (2) by inserting before paragraph (2) (as so re-  
13                  designated by paragraph (1) of this subsection) the  
14                  following:

15                   “(1) Unless acting pursuant to paragraph (6),  
16                  the Secretary shall provide an opportunity for public  
17                  input prior to the issuance of a proposed rule, seek-  
18                  ing information concerning the analysis the Depart-  
19                  ment of Energy may undertake to develop a pro-  
20                  posed rule.”; and

21                   (3) by inserting after paragraph (3) (as so re-  
22                  designated by paragraph (1) of this subsection) the  
23                  following:

24                   “(4) RESTRICTION BASED ON TEST PROCE-  
25                  DURES.—

1           “(A) IN GENERAL.—Any proposed rule to  
2           establish new or amended energy conservation  
3           standards shall be based on the final test proce-  
4           dure that shall be used to determine compliance  
5           with that product’s standard. The public com-  
6           ment period on such proposed energy conserva-  
7           tion standards shall conclude no sooner than  
8           180 days after the date of publication of a final  
9           rule revising the test procedure for that prod-  
10          uct.

11          “(B) EXCEPTIONS.—Subparagraph (A)  
12          does not apply to—

13               “(i) rules, including test procedure  
14               rules, developed in accordance with the  
15               subchapter III of chapter 5 of title 5,  
16               United States Code (commonly known as  
17               the ‘Negotiated Rulemaking Act of 1990’);

18               “(ii) rules, including test procedure  
19               rules, adopted pursuant to the procedures  
20               in paragraph (6); or

21               “(iii) test procedure amendments that  
22               the Secretary determines will not alter the  
23               measured energy efficiency, measured en-  
24               ergy use, or measured water use of any  
25               covered product, subject to the require-

1                   ment that, if an amendment alters the  
2                   product testing or compliance calculation,  
3                   the determination shall be based on test  
4                   data subject to public comment.

5                   “(C) SAVINGS CLAUSE.—Nothing in this  
6           paragraph—

7                   “(i) limits the authority of the Sec-  
8                   retary to amend test procedures under sec-  
9                   tion 323 and use those modified test proce-  
10                  dures for compliance with an existing or  
11                  revised standard; or

12                  “(ii) alters the deadline for completion  
13                  of any action required under this section.”.

14           (b) CONFORMING AMENDMENT.—Section 345(b)(1)  
15 of the Energy Policy and Conservation Act (42 U.S.C.  
16 6316(b)(1)) is amended by striking “section 325(p)(4),”  
17 and inserting “section 325(p)(3), (4), and (6),”.

18           (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to rulemaking proceedings in which  
20 a notice of proposed rulemaking or supplemental notice  
21 of proposed rulemaking is issued on or after the date of  
22 enactment of this Act.

1 **SEC. 1208. EXTENSION OF NONAPPLICATION OF NO-LOAD**  
 2 **MODE ENERGY EFFICIENCY STANDARD TO**  
 3 **CERTAIN SECURITY OR LIFE SAFETY ALARM**  
 4 **OR SURVEILLANCE SYSTEMS.**

5 (a) Section 325(u)(3)(D)(ii) of the Energy Policy and  
 6 Conservation Act (42 U.S.C. 6295(u)(3)(D)(ii)) is amend-  
 7 ed—

8 (1) in the clause heading, by striking “2015”  
 9 and inserting “2021”;

10 (2) in subclause (I), by striking “2015” and in-  
 11 serting “2021,”; and

12 (3) in subclause (II)(bb), by striking “2017”  
 13 and inserting “2023”.

14 (b) Section 325(u)(3)(E) of the Energy Policy and  
 15 Conservation Act (42 U.S.C. 6295(u)(3)(E)) is amend-  
 16 ed—

17 (1) in clause (ii), by striking “July 1, 2017,”  
 18 and inserting “the effective date of the amendment  
 19 under subparagraph (D)(ii)”;

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

21 “(iv) TREATMENT IN RULE.—In the  
 22 rule under subparagraph (D)(ii) and sub-  
 23 sequent amendments the Secretary may  
 24 treat some or all external power supplies  
 25 designed to be connected to a security or  
 26 life safety alarm or surveillance system as

1 a separate product class or may extend the  
 2 nonapplication under clause (ii).”.

### 3 **Subtitle C—Manufacturing**

#### 4 **SEC. 1301. MANUFACTURING ENERGY EFFICIENCY.**

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

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

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

11 (3) to accelerate the deployment of technologies  
 12 and practices that will increase industrial energy ef-  
 13 ficiency and improve productivity;

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

19 (5) to stimulate domestic economic growth and  
 20 improve industrial productivity and competitiveness;  
 21 and

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

25 (b) FUTURE OF INDUSTRY PROGRAM.—

1           (1) IN GENERAL.—Section 452 of the Energy  
 2       Independence and Security Act of 2007 (42 U.S.C.  
 3       17111) is amended by striking the section heading  
 4       and inserting the following: “**FUTURE OF INDUS-**  
 5       **TRY PROGRAM**”.

6           (2) DEFINITION OF ENERGY SERVICE PRO-  
 7       VIDER.—Section 452(a) of the Energy Independence  
 8       and Security Act of 2007 (42 U.S.C. 17111(a)) is  
 9       amended—

10               (A) in paragraph (2)—

11                       (i) by redesignating subparagraph (E)  
 12                       as subparagraph (F); and

13                       (ii) by inserting before subparagraph  
 14                       (F) (as so redesignated) the following:

15                       “(E) water and wastewater treatment fa-  
 16                       cilities, including systems that treat municipal,  
 17                       industrial, and agricultural waste; and”;

18               (B) by redesignating paragraphs (3)  
 19       through (5) as paragraphs (4) through (6), re-  
 20       spectively; and

21               (C) by inserting after paragraph (2) the  
 22       following:

23               “(3) ENERGY SERVICE PROVIDER.—The term  
 24       ‘energy service provider’ means any business pro-  
 25       viding technology or services to improve the energy

1 efficiency, water efficiency, power factor, or load  
 2 management of a manufacturing site or other indus-  
 3 trial process in an energy-intensive industry, or any  
 4 utility operating under a utility energy service  
 5 project.”.

6 (3) INDUSTRIAL RESEARCH AND ASSESSMENT  
 7 CENTERS.—Section 452(e) of the Energy Independ-  
 8 ence and Security Act of 2007 (42 U.S.C. 17111(e))  
 9 is amended—

10 (A) by redesignating paragraphs (1)  
 11 through (5) as subparagraphs (A) through (E),  
 12 respectively, and indenting appropriately;

13 (B) by striking “The Secretary” and in-  
 14 serting the following:

15 “(1) IN GENERAL.—The Secretary”;

16 (C) in subparagraph (A) (as redesignated  
 17 by subparagraph (A)), by inserting before the  
 18 semicolon at the end the following: “, including  
 19 assessments of sustainable manufacturing goals  
 20 and the implementation of information tech-  
 21 nology advancements for supply chain analysis,  
 22 logistics, system monitoring, industrial and  
 23 manufacturing processes, and other purposes”;  
 24 and

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

1           “(2) COORDINATION.—To increase the value  
2           and capabilities of the industrial research and as-  
3           sessment centers, the centers shall—

4                   “(A) coordinate with Manufacturing Ex-  
5                   tension Partnership Centers of the National In-  
6                   stitute of Standards and Technology;

7                   “(B) coordinate with the Building Tech-  
8                   nologies Program of the Department of Energy  
9                   to provide building assessment services to man-  
10                  ufacturers;

11                  “(C) increase partnerships with the Na-  
12                  tional Laboratories of the Department of En-  
13                  ergy to leverage the expertise and technologies  
14                  of the National Laboratories for national indus-  
15                  trial and manufacturing needs;

16                  “(D) increase partnerships with energy  
17                  service providers and technology providers to le-  
18                  verage private sector expertise and accelerate  
19                  deployment of new and existing technologies  
20                  and processes for energy efficiency, power fac-  
21                  tor, and load management;

22                  “(E) identify opportunities for reducing  
23                  greenhouse gas emissions; and



1           “(F) promote sustainable manufacturing  
2 practices for small- and medium-sized manufac-  
3 turers.

4           “(3) OUTREACH.—The Secretary shall provide  
5 funding for—

6           “(A) outreach activities by the industrial  
7 research and assessment centers to inform  
8 small- and medium-sized manufacturers of the  
9 information, technologies, and services avail-  
10 able; and

11           “(B) coordination activities by each indus-  
12 trial research and assessment center to leverage  
13 efforts with—

14           “(i) Federal and State efforts;

15           “(ii) the efforts of utilities and energy  
16 service providers;

17           “(iii) the efforts of regional energy ef-  
18 ficiency organizations; and

19           “(iv) the efforts of other industrial re-  
20 search and assessment centers.

21           “(4) WORKFORCE TRAINING.—

22           “(A) IN GENERAL.—The Secretary shall  
23 pay the Federal share of associated internship  
24 programs under which students work with or  
25 for industries, manufacturers, and energy serv-

1 ice providers to implement the recommendations  
2 of industrial research and assessment centers.

3 “(B) FEDERAL SHARE.—The Federal  
4 share of the cost of carrying out internship pro-  
5 grams described in subparagraph (A) shall be  
6 50 percent.

7 “(5) SMALL BUSINESS LOANS.—The Adminis-  
8 trator of the Small Business Administration shall, to  
9 the maximum extent practicable, expedite consider-  
10 ation of applications from eligible small business  
11 concerns for loans under the Small Business Act (15  
12 U.S.C. 631 et seq.) to implement recommendations  
13 of industrial research and assessment centers estab-  
14 lished under paragraph (1).

15 “(6) ADVANCED MANUFACTURING STEERING  
16 COMMITTEE.—The Secretary shall establish an advi-  
17 sory steering committee to provide recommendations  
18 to the Secretary on planning and implementation of  
19 the Advanced Manufacturing Office of the Depart-  
20 ment of Energy.

21 “(7) EXPANSION OF TECHNICAL ASSISTANCE.—  
22 The Secretary shall expand the institution of higher  
23 education-based industrial research and assessment  
24 centers, working across Federal agencies as nec-  
25 essary—

1           “(A) to provide comparable assessment  
 2           services to water and wastewater treatment fa-  
 3           cilities, including systems that treat municipal,  
 4           industrial, and agricultural waste; and

5           “(B) to equip the directors of the centers  
 6           with the training and tools necessary to provide  
 7           technical assistance on energy savings to the  
 8           water and wastewater treatment facilities.”.

9           (c) SUSTAINABLE MANUFACTURING INITIATIVE.—

10           (1) IN GENERAL.—Part E of title III of the  
 11           Energy Policy and Conservation Act (42 U.S.C.  
 12           6341) is amended by adding at the end the fol-  
 13           lowing:

14           **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

15           “(a) IN GENERAL.—As part of the Office of Energy  
 16           Efficiency and Renewable Energy, the Secretary, on the  
 17           request of a manufacturer, shall conduct on-site technical  
 18           assessments to identify opportunities for—

19           “(1) maximizing the energy efficiency of indus-  
 20           trial processes and cross-cutting systems;

21           “(2) preventing pollution and minimizing waste;

22           “(3) improving efficient use of water in manu-  
 23           facturing processes;

24           “(4) conserving natural resources; and

1           “(5) achieving such other goals as the Secretary  
2           determines to be appropriate.

3           “(b) COORDINATION.—The Secretary shall carry out  
4           the initiative in coordination with the private sector and  
5           appropriate agencies, including the National Institute of  
6           Standards and Technology, to accelerate adoption of new  
7           and existing technologies and processes that improve en-  
8           ergy efficiency.

9           “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR  
10          SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-  
11          NOLOGIES AND PROCESSES.—As part of the industrial ef-  
12          ficiency programs of the Department of Energy, the Sec-  
13          retary shall carry out a joint industry-government partner-  
14          ship program to research, develop, and demonstrate new  
15          sustainable manufacturing and industrial technologies and  
16          processes that maximize the energy efficiency of industrial  
17          plants, reduce pollution, and conserve natural resources.”.

18           (2) TABLE OF CONTENTS.—The table of con-  
19          tents of the Energy Policy and Conservation Act (42  
20          U.S.C. prec. 6201) is amended by adding at the end  
21          of the items relating to part E of title III the fol-  
22          lowing:

“Sec. 376. Sustainable manufacturing initiative.”.

1 **SEC. 1302. LEVERAGING EXISTING FEDERAL AGENCY PRO-**  
2 **GRAMS TO ASSIST SMALL AND MEDIUM MAN-**  
3 **UFACTURERS.**

4 (a) DEFINITIONS.—In this section and section 1303:

5 (1) ENERGY MANAGEMENT SYSTEM.—The term  
6 “energy management system” means a business  
7 management process based on standards of the  
8 American National Standards Institute that enables  
9 an organization to follow a systematic approach in  
10 achieving continual improvement of energy perform-  
11 ance, including energy efficiency, security, use, and  
12 consumption.

13 (2) INDUSTRIAL ASSESSMENT CENTER.—The  
14 term “industrial assessment center” means a center  
15 located at an institution of higher education that—

16 (A) receives funding from the Department;

17 (B) provides an in-depth assessment of  
18 small- and medium-size manufacturer plant  
19 sites to evaluate the facilities, services, and  
20 manufacturing operations of the plant site; and

21 (C) identifies opportunities for potential  
22 savings for small- and medium-size manufac-  
23 turer plant sites from energy efficiency improve-  
24 ments, waste minimization, pollution preven-  
25 tion, and productivity improvement.

1           (3) NATIONAL LABORATORY.—The term “Na-  
2           tional Laboratory” has the meaning given the term  
3           in section 2 of the Energy Policy Act of 2005 (42  
4           U.S.C. 15801).

5           (4) SMALL AND MEDIUM MANUFACTURERS.—  
6           The term “small and medium manufacturers”  
7           means manufacturing firms—

8                   (A) classified in the North American In-  
9                   dustry Classification System as any of sectors  
10                  31 through 33;

11                  (B) with gross annual sales of less than  
12                  \$100,000,000;

13                  (C) with fewer than 500 employees at the  
14                  plant site; and

15                  (D) with annual energy bills totaling more  
16                  than \$100,000 and less than \$2,500,000.

17           (5) SMART MANUFACTURING.—The term  
18           “smart manufacturing” means advanced tech-  
19           nologies in information, automation, monitoring,  
20           computation, sensing, modeling, and networking  
21           that—

22                   (A) digitally—

23                          (i) simulate manufacturing production  
24                          lines;

1 (ii) operate computer-controlled man-  
2 ufacturing equipment;

3 (iii) monitor and communicate pro-  
4 duction line status; and

5 (iv) manage and optimize energy pro-  
6 ductivity and cost throughout production;

7 (B) model, simulate, and optimize the en-  
8 ergy efficiency of a factory building;

9 (C) monitor and optimize building energy  
10 performance;

11 (D) model, simulate, and optimize the de-  
12 sign of energy efficient and sustainable prod-  
13 ucts, including the use of digital prototyping  
14 and additive manufacturing to enhance product  
15 design;

16 (E) connect manufactured products in net-  
17 works to monitor and optimize the performance  
18 of the networks, including automated network  
19 operations; and

20 (F) digitally connect the supply chain net-  
21 work.

22 (b) EXPANSION OF TECHNICAL ASSISTANCE PRO-  
23 GRAMS.—The Secretary shall expand the scope of tech-  
24 nologies covered by the Industrial Assessment Centers of  
25 the Department—

1           (1) to include smart manufacturing technologies  
2           and practices; and

3           (2) to equip the directors of the Industrial As-  
4           sessment Centers with the training and tools nec-  
5           essary to provide technical assistance in smart man-  
6           ufacturing technologies and practices, including en-  
7           ergy management systems, to manufacturers.

8           (c) FUNDING.—The Secretary shall use unobligated  
9           funds of the Department to carry out this section.

10   **SEC. 1303. LEVERAGING SMART MANUFACTURING INFRA-**  
11           **STRUCTURE AT NATIONAL LABORATORIES.**

12           (a) STUDY.—

13           (1) IN GENERAL.—Not later than 180 days  
14           after the date of enactment of this Act, the Sec-  
15           retary shall conduct a study on ways in which the  
16           Department can increase access to existing high-per-  
17           formance computing resources in the National Lab-  
18           oratories, particularly for small and medium manu-  
19           facturers.

20           (2) INCLUSIONS.—In identifying ways to in-  
21           crease access to National Laboratories under para-  
22           graph (1), the Secretary shall—

23                   (A) focus on increasing access to the com-  
24                   puting facilities of the National Laboratories;  
25                   and



1 (B) ensure that—

2 (i) the information from the manufac-  
3 turer is protected; and

4 (ii) the security of the National Lab-  
5 oratory facility is maintained.

6 (3) REPORT.—Not later than 1 year after the  
7 date of enactment of this Act, the Secretary shall  
8 submit to Congress a report describing the results of  
9 the study.

10 (b) ACTIONS FOR INCREASED ACCESS.—The Sec-  
11 retary shall facilitate access to the National Laboratories  
12 studied under subsection (a) for small and medium manu-  
13 facturers so that small and medium manufacturers can  
14 fully use the high-performance computing resources of the  
15 National Laboratories to enhance the manufacturing com-  
16 petitiveness of the United States.

17 **Subtitle D—Vehicles**

18 **SEC. 1401. OBJECTIVES.**

19 The objectives of this subtitle are—

20 (1) to establish a consistent and consolidated  
21 authority for the vehicle technology program at the  
22 Department;

23 (2) to develop United States technologies and  
24 practices that—

1 (A) improve the fuel efficiency and emis-  
2 sions of all vehicles produced in the United  
3 States; and

4 (B) reduce vehicle reliance on petroleum-  
5 based fuels;

6 (3) to support domestic research, development,  
7 engineering, demonstration, and commercial applica-  
8 tion and manufacturing of advanced vehicles, en-  
9 gines, and components;

10 (4) to enable vehicles to move larger volumes of  
11 goods and more passengers with less energy and  
12 emissions;

13 (5) to develop cost-effective advanced tech-  
14 nologies for wide-scale utilization throughout the  
15 passenger, commercial, government, and transit ve-  
16 hicle sectors;

17 (6) to allow for greater consumer choice of vehi-  
18 cle technologies and fuels;

19 (7) shorten technology development and inte-  
20 gration cycles in the vehicle industry;

21 (8) to ensure a proper balance and diversity of  
22 Federal investment in vehicle technologies; and

23 (9) to strengthen partnerships between Federal  
24 and State governmental agencies and the private  
25 and academic sectors.

1 **SEC. 1402. COORDINATION AND NONDUPLICATION.**

2       The Secretary shall ensure, to the maximum extent  
3 practicable, that the activities authorized by this subtitle  
4 do not duplicate those of other programs within the De-  
5 partment or other relevant research agencies.

6 **SEC. 1403. AUTHORIZATION OF APPROPRIATIONS.**

7       There are authorized to be appropriated to the Sec-  
8 retary for research, development, engineering, demonstra-  
9 tion, and commercial application of vehicles and related  
10 technologies in the United States, including activities au-  
11 thorized under this subtitle—

- 12           (1) for fiscal year 2018, \$313,567,000;  
13           (2) for fiscal year 2019, \$326,109,000;  
14           (3) for fiscal year 2020, \$339,154,000;  
15           (4) for fiscal year 2021, \$352,720,000; and  
16           (5) for fiscal year 2022, \$366,829,000.

17 **SEC. 1404. REPORTING.**

18       (a) **TECHNOLOGIES DEVELOPED.**—Not later than 18  
19 months after the date of enactment of this Act and annu-  
20 ally thereafter through 2022, the Secretary shall submit  
21 to Congress a report regarding the technologies developed  
22 as a result of the activities authorized by this subtitle, with  
23 a particular emphasis on whether the technologies were  
24 successfully adopted for commercial applications, and if  
25 so, whether products relying on those technologies are  
26 manufactured in the United States.

1 (b) ADDITIONAL MATTERS.—At the end of each fis-  
 2 cal year through 2022, the Secretary shall submit to the  
 3 relevant Congressional committees of jurisdiction an an-  
 4 nual report describing activities undertaken in the pre-  
 5 vious year under this Act, active industry participants, the  
 6 status of public private partnerships, progress of the pro-  
 7 gram in meeting goals and timelines, and a strategic plan  
 8 for funding of activities across agencies.

9 **PART I—VEHICLE RESEARCH AND**  
 10 **DEVELOPMENT**

11 **SEC. 1411. PROGRAM.**

12 (a) ACTIVITIES.—The Secretary shall conduct a pro-  
 13 gram of basic and applied research, development, engi-  
 14 neering, demonstration, and commercial application activi-  
 15 ties on materials, technologies, and processes with the po-  
 16 tential to substantially reduce or eliminate petroleum use  
 17 and the emissions of the Nation’s passenger and commer-  
 18 cial vehicles, including activities in the areas of—

- 19 (1) electrification of vehicle systems;
- 20 (2) batteries, ultracapacitors, and other energy
- 21 storage devices;
- 22 (3) power electronics;
- 23 (4) vehicle, component, and subsystem manu-
- 24 facturing technologies and processes;

- 1           (5) engine efficiency and combustion optimiza-
- 2       tion;
- 3           (6) waste heat recovery;
- 4           (7) transmission and drivetrains;
- 5           (8) hydrogen vehicle technologies, including fuel
- 6       cells and internal combustion engines, and hydrogen
- 7       infrastructure, including hydrogen energy storage to
- 8       enable renewables and provide hydrogen for fuel and
- 9       power;
- 10          (9) natural gas vehicle technologies;
- 11          (10) aerodynamics, rolling resistance (including
- 12       tires and wheel assemblies), and accessory power
- 13       loads of vehicles and associated equipment;
- 14          (11) vehicle weight reduction, including
- 15       lightweighting materials and the development of
- 16       manufacturing processes to fabricate, assemble, and
- 17       use dissimilar materials;
- 18          (12) friction and wear reduction;
- 19          (13) engine and component durability;
- 20          (14) innovative propulsion systems;
- 21          (15) advanced boosting systems;
- 22          (16) hydraulic hybrid technologies;
- 23          (17) engine compatibility with and optimization
- 24       for a variety of transportation fuels including nat-
- 25       ural gas and other liquid and gaseous fuels;

- 1           (18) predictive engineering, modeling, and sim-  
2           ulation of vehicle and transportation systems;
- 3           (19) refueling and charging infrastructure for  
4           alternative fueled and electric or plug-in electric hy-  
5           brid vehicles, including the unique challenges facing  
6           rural areas;
- 7           (20) gaseous fuels storage systems and system  
8           integration and optimization;
- 9           (21) sensing, communications, and actuation  
10          technologies for vehicle, electrical grid, and infra-  
11          structure;
- 12          (22) efficient use, substitution, and recycling of  
13          potentially critical materials in vehicles, including  
14          rare earth elements and precious metals, at risk of  
15          supply disruption;
- 16          (23) aftertreatment technologies;
- 17          (24) thermal management of battery systems;
- 18          (25) retrofitting advanced vehicle technologies  
19          to existing vehicles;
- 20          (26) development of common standards, speci-  
21          fications, and architectures for both transportation  
22          and stationary battery applications;
- 23          (27) advanced internal combustion engines;
- 24          (28) mild hybrid;
- 25          (29) engine down speeding;

1           (30)   vehicle-to-vehicle,   vehicle-to-pedestrian,  
2           and vehicle-to-infrastructure technologies; and

3           (31) other research areas as determined by the  
4           Secretary.

5           (b) TRANSFORMATIONAL TECHNOLOGY.—The Sec-  
6   retary shall ensure that the Department continues to sup-  
7   port research, development, engineering, demonstration,  
8   and commercial application activities and maintains com-  
9   petency in mid- to long-term transformational vehicle tech-  
10   nologies with potential to achieve reductions in emissions,  
11   including activities in the areas of—

12           (1) hydrogen vehicle technologies, including fuel  
13           cells, hydrogen storage, infrastructure, and activities  
14           in hydrogen technology validation and safety codes  
15           and standards;

16           (2) multiple battery chemistries and novel en-  
17           ergy storage devices, including nonchemical batteries  
18           and electromechanical storage technologies such as  
19           hydraulics, flywheels, and compressed air storage;

20           (3) communication and connectivity among ve-  
21           hicles, infrastructure, and the electrical grid; and

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

24           (c) INDUSTRY PARTICIPATION.—To the maximum  
25   extent practicable, activities under this Act shall be carried

1 out in partnership or collaboration with automotive manu-  
2 facturers, heavy commercial, vocational, and transit vehi-  
3 cle manufacturers, qualified plug-in electric vehicle manu-  
4 facturers, compressed natural gas vehicle manufacturers,  
5 vehicle and engine equipment and component manufactur-  
6 ers, manufacturing equipment manufacturers, advanced  
7 vehicle service providers, fuel producers and energy sup-  
8 pliers, electric utilities, universities, national laboratories,  
9 and independent research laboratories. In carrying out  
10 this Act the Secretary shall—

11           (1) determine whether a wide range of compa-  
12 nies that manufacture or assemble vehicles or com-  
13 ponents in the United States are represented in on-  
14 going public private partnership activities, including  
15 firms that have not traditionally participated in fed-  
16 erally sponsored research and development activities,  
17 and where possible, partner with such firms that  
18 conduct significant and relevant research and devel-  
19 opment activities in the United States;

20           (2) leverage the capabilities and resources of,  
21 and formalize partnerships with, industry-led stake-  
22 holder organizations, nonprofit organizations, indus-  
23 try consortia, and trade associations with expertise  
24 in the research and development of, and education



1 and outreach activities in, advanced automotive and  
2 commercial vehicle technologies;

3 (3) develop more effective processes for trans-  
4 ferring research findings and technologies to indus-  
5 try;

6 (4) support public-private partnerships, dedi-  
7 cated to overcoming barriers in commercial applica-  
8 tion of transformational vehicle technologies, that  
9 utilize such industry-led technology development fa-  
10 cilities of entities with demonstrated expertise in  
11 successfully designing and engineering pre-commer-  
12 cial generations of such transformational technology;  
13 and

14 (5) promote efforts to ensure that technology  
15 research, development, engineering, and commercial  
16 application activities funded under this Act are car-  
17 ried out in the United States.

18 (d) INTERAGENCY AND INTRAAGENCY COORDINA-  
19 TION.—To the maximum extent practicable, the Secretary  
20 shall coordinate research, development, demonstration,  
21 and commercial application activities among—

22 (1) relevant programs within the Department,  
23 including—

24 (A) the Office of Energy Efficiency and  
25 Renewable Energy;

1 (B) the Office of Science;

2 (C) the Office of Electricity Delivery and  
3 Energy Reliability;

4 (D) the Office of Fossil Energy;

5 (E) the Advanced Research Projects Agen-  
6 cy—Energy; and

7 (F) other offices as determined by the Sec-  
8 retary; and

9 (2) relevant technology research and develop-  
10 ment programs within other Federal agencies, as de-  
11 termined by the Secretary.

12 (e) FEDERAL DEMONSTRATION OF TECH-  
13 NOLOGIES.—The Secretary shall make information avail-  
14 able to procurement programs of Federal agencies regard-  
15 ing the potential to demonstrate technologies resulting  
16 from activities funded through programs under this Act.

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

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

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

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

6       (h) SECONDARY USE APPLICATIONS.—

7           (1) IN GENERAL.—The Secretary shall carry  
8       out a research, development, and demonstration pro-  
9       gram that—

10           (A) builds on any work carried out under  
11       section 915 of the Energy Policy Act of 2005  
12       (42 U.S.C. 16195);

13           (B) identifies possible uses of a vehicle bat-  
14       tery after the useful life of the battery in a ve-  
15       hicle has been exhausted;

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

19           (D) evaluates innovative approaches to re-  
20       cycling materials from plug-in electric drive ve-  
21       hicles and the batteries used in plug-in electric  
22       drive vehicles;

23           (E)(i) assesses the potential for markets  
24       for uses described in subparagraph (B) to de-  
25       velop; and

1 (ii) identifies any barriers to the develop-  
2 ment of those markets; and

3 (F) identifies the potential uses of a vehi-  
4 cle battery—

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

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

9 (2) REPORT.—Not later than 1 year after the  
10 date of enactment of this Act, the Secretary shall  
11 submit to the appropriate committees of Congress  
12 an initial report on the findings of the program de-  
13 scribed in paragraph (1), including recommendations  
14 for stationary energy storage and other potential ap-  
15 plications for batteries used in plug-in electric drive  
16 vehicles.

17 (3) SECONDARY USE DEMONSTRATION.—

18 (A) IN GENERAL.—Based on the results of  
19 the program described in paragraph (1), the  
20 Secretary shall develop guidelines for projects  
21 that demonstrate the secondary uses and inno-  
22 vative recycling of vehicle batteries.

23 (B) PUBLICATION OF GUIDELINES.—Not  
24 later than 18 months after the date of enact-  
25 ment of this Act, the Secretary shall—

- 1 (i) publish the guidelines described in  
2 subparagraph (A); and  
3 (ii) solicit applications for funding for  
4 demonstration projects.

5 (C) PILOT DEMONSTRATION PROGRAM.—

6 Not later than 21 months after the date of en-  
7 actment of this Act, the Secretary shall select  
8 proposals for grant funding under this section,  
9 based on an assessment of which proposals are  
10 mostly likely to contribute to the development  
11 of a secondary market for batteries.

12 **SEC. 1412. MANUFACTURING.**

13 The Secretary shall carry out a research, develop-  
14 ment, engineering, demonstration, and commercial appli-  
15 cation program of advanced vehicle manufacturing tech-  
16 nologies and practices, including innovative processes—

17 (1) to increase the production rate and decrease  
18 the cost of advanced battery and fuel cell manufac-  
19 turing;

20 (2) to vary the capability of individual manufac-  
21 turing facilities to accommodate different battery  
22 chemistries and configurations;

23 (3) to reduce waste streams, emissions, and en-  
24 ergy intensity of vehicle, engine, advanced battery  
25 and component manufacturing processes;

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

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

9 (6) to produce lightweight high pressure storage  
10 systems for gaseous fuels;

11 (7) to design and manufacture purpose-built hy-  
12 drogen fuel cell vehicles and components;

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

15 (9) to produce permanent magnets for advanced  
16 vehicles.

17 **PART II—MEDIUM- AND HEAVY-DUTY**

18 **COMMERCIAL AND TRANSIT VEHICLES**

19 **SEC. 1421. PROGRAM.**

20 The Secretary, in partnership with relevant research  
21 and development programs in other Federal agencies, and  
22 a range of appropriate industry stakeholders, shall carry  
23 out a program of cooperative research, development, dem-  
24 onstration, and commercial application activities on ad-  
25 vanced technologies for medium- to heavy-duty commer-

1 cial, vocational, recreational, and transit vehicles, includ-  
2 ing activities in the areas of—

3 (1) engine efficiency and combustion research;

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

6 (3) development and integration of engine tech-  
7 nologies designed for natural gas operation of a vari-  
8 ety of vehicle platforms;

9 (4) waste heat recovery and conversion;

10 (5) improved aerodynamics and tire rolling re-  
11 sistance;

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

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

17 (8) drivetrain optimization;

18 (9) friction and wear reduction;

19 (10) engine idle and parasitic energy loss reduc-  
20 tion;

21 (11) electrification of accessory loads;

22 (12) onboard sensing and communications tech-  
23 nologies;

24 (13) advanced lightweighting materials and ve-  
25 hicle designs;

- 1 (14) increasing load capacity per vehicle;
- 2 (15) thermal management of battery systems;
- 3 (16) recharging infrastructure;
- 4 (17) compressed natural gas infrastructure;
- 5 (18) advanced internal combustion engines;
- 6 (19) complete vehicle and power pack modeling,
- 7 simulation, and testing;
- 8 (20) hydrogen vehicle technologies, including
- 9 fuel cells and internal combustion engines, and hy-
- 10 drogen infrastructure, including hydrogen energy
- 11 storage to enable renewables and provide hydrogen
- 12 for fuel and power;
- 13 (21) retrofitting advanced technologies onto ex-
- 14 isting truck fleets;
- 15 (22) advanced boosting systems;
- 16 (23) engine down speeding; and
- 17 (24) integration of these and other advanced
- 18 systems onto a single truck and trailer platform.

19 **SEC. 1422. CLASS 8 TRUCK AND TRAILER SYSTEMS DEM-**  
20 **ONSTRATION.**

21 (a) IN GENERAL.—The Secretary shall conduct a  
22 competitive grant program to demonstrate the integration  
23 of multiple advanced technologies on Class 8 truck and  
24 trailer platforms, including a combination of technologies  
25 listed in section 1421.



1 (b) APPLICANT TEAMS.—Applicant teams may be  
2 comprised of truck and trailer manufacturers, engine and  
3 component manufacturers, fleet customers, university re-  
4 searchers, and other applicants as appropriate for the de-  
5 velopment and demonstration of integrated Class 8 truck  
6 and trailer systems.

7 **SEC. 1423. TECHNOLOGY TESTING AND METRICS.**

8 The Secretary, in coordination with the partners of  
9 the interagency research program described in section  
10 1421—

11 (1) shall develop standard testing procedures  
12 and technologies for evaluating the performance of  
13 advanced heavy vehicle technologies under a range of  
14 representative duty cycles and operating conditions,  
15 including for heavy hybrid propulsion systems;

16 (2) shall evaluate heavy vehicle performance  
17 using work performance-based metrics other than  
18 those based on miles per gallon, including those  
19 based on units of volume and weight transported for  
20 freight applications, and appropriate metrics based  
21 on the work performed by nonroad systems; and

22 (3) may construct heavy duty truck and bus  
23 testing facilities.

1 **SEC. 1424. NONROAD SYSTEMS PILOT PROGRAM.**

2       The Secretary shall undertake a pilot program of re-  
 3 search, development, demonstration, and commercial ap-  
 4 plications of technologies to improve total machine or sys-  
 5 tem efficiency for nonroad mobile equipment including ag-  
 6 ricultural, construction, air, and sea port equipment, and  
 7 shall seek opportunities to transfer relevant research find-  
 8 ings and technologies between the nonroad and on-high-  
 9 way equipment and vehicle sectors.

10 **PART III—ADMINISTRATION**

11 **SEC. 1431. REPEAL OF EXISTING AUTHORITIES.**

12       (a) IN GENERAL.—Sections 706, 711, 712, and 933  
 13 of the Energy Policy Act of 2005 (42 U.S.C. 16051,  
 14 16061, 16062, 16233) are repealed.

15       (b) ENERGY EFFICIENCY.—Section 911 of the En-  
 16 ergy Policy Act of 2005 (42 U.S.C. 16191) is amended—

17               (1) in subsection (a)—

18                       (A) in paragraph (1)(A), by striking “vehi-  
 19 cles, buildings,” and inserting “buildings”; and

20                       (B) in paragraph (2)—

21                               (i) by striking subparagraph (A); and

22                               (ii) by redesignating subparagraphs

23                                       (B) through (E) as subparagraphs (A)

24                                       through (D), respectively; and

25               (2) in subsection (c)—

26                       (A) by striking paragraph (3);

1 (B) by redesignating paragraph (4) as  
 2 paragraph (3); and

3 (C) in paragraph (3) (as so redesignated),  
 4 by striking “(a)(2)(D)” and inserting  
 5 “(a)(2)(C)”.

6 **SEC. 1432. REAUTHORIZATION OF DIESEL EMISSIONS RE-**  
 7 **DUCTION PROGRAM.**

8 Section 797(a) of the Energy Policy Act of 2005 (42  
 9 U.S.C. 16137(a)) is amended by striking “2016” and in-  
 10 serting “2022”.

11 **SEC. 1433. GASEOUS FUEL DUAL FUELED AUTOMOBILES.**

12 Section 32905 of title 49, United States Code, is  
 13 amended by striking subsection (d) and inserting the fol-  
 14 lowing:

15 “(d) GASEOUS FUEL DUAL FUELED AUTO-  
 16 MOBILES.—

17 “(1) MODEL YEARS 1993 THROUGH 2017.—For  
 18 any model of gaseous fuel dual fueled automobile  
 19 manufactured by a manufacturer in model years  
 20 1993 through 2017, the Administrator shall measure  
 21 the fuel economy for that model by dividing 1.0 by  
 22 the sum of—

23 “(A) .5 divided by the fuel economy meas-  
 24 ured under section 32904(c) of this title when

operating the model on gasoline or diesel fuel;  
and

“(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

“(2) SUBSEQUENT MODEL YEARS.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model year 2018 or any subsequent model year, the Administrator shall calculate fuel economy in accordance with section 600.510–12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c).”.

## Subtitle E—Housing

### SEC. 1501. DEFINITIONS.

In this subtitle:

(1) COVERED LOAN.—The term “covered loan” means a loan secured by a home that is insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.).

(2) HOMEOWNER.—The term “homeowner” means the mortgagor under a covered loan.

(3) MORTGAGEE.—The term “mortgagee” means an original lender under a covered loan or the

1 holder of a covered loan at the time at which that  
2 mortgage transaction is consummated.

3 **SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDER-**  
4 **WRITING CRITERIA.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this Act, the Secretary of Housing  
7 and Urban Development shall, in consultation with the ad-  
8 visory group established in section 1505(c), develop and  
9 issue guidelines for the Federal Housing Administration  
10 to implement enhanced loan eligibility requirements, for  
11 use when testing the ability of a loan applicant to repay  
12 a covered loan, that account for the expected energy cost  
13 savings for a loan applicant at a subject property, in the  
14 manner set forth in subsections (b) and (c).

15 (b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST  
16 SAVINGS.—

17 (1) IN GENERAL.—The enhanced loan eligibility  
18 requirements under subsection (a) shall require that,  
19 for all covered loans for which an energy efficiency  
20 report is voluntarily provided to the mortgagee by  
21 the homeowner, the Federal Housing Administration  
22 and the mortgagee shall take into consideration the  
23 estimated energy cost savings expected for the owner  
24 of the subject property in determining whether the

1 loan applicant has sufficient income to service the  
2 mortgage debt plus other regular expenses.

3 (2) USE AS OFFSET.—To the extent that the  
4 Federal Housing Administration uses a test such as  
5 a debt-to-income test that includes certain regular  
6 expenses, such as hazard insurance and property  
7 taxes—

8 (A) the expected energy cost savings shall  
9 be included as an offset to these expenses; and

10 (B) the Federal Housing Administration  
11 may not use the offset described in subpara-  
12 graph (A) to qualify a loan applicant for insur-  
13 ance under title II of the National Housing Act  
14 (12 U.S.C. 1707 et seq.) with respect to a loan  
15 that would not otherwise meet the requirements  
16 for such insurance.

17 (3) TYPES OF ENERGY COSTS.—Energy costs to  
18 be assessed under this subsection shall include the  
19 cost of electricity, natural gas, oil, and any other  
20 fuel regularly used to supply energy to the subject  
21 property.

22 (c) DETERMINATION OF ESTIMATED ENERGY COST  
23 SAVINGS.—

24 (1) IN GENERAL.—The guidelines to be issued  
25 under subsection (a) shall include instructions for

1 the Federal Housing Administration to calculate es-  
2 timated energy cost savings using—

3 (A) the energy efficiency report;

4 (B) an estimate of baseline average energy  
5 costs; and

6 (C) additional sources of information as  
7 determined by the Secretary of Housing and  
8 Urban Development.

9 (2) REPORT REQUIREMENTS.—For the pur-  
10 poses of paragraph (1), an energy efficiency report  
11 shall—

12 (A) estimate the expected energy cost sav-  
13 ings specific to the subject property, based on  
14 specific information about the property;

15 (B) be prepared in accordance with the  
16 guidelines to be issued under subsection (a);  
17 and

18 (C) be prepared—

19 (i) in accordance with the Residential  
20 Energy Service Network’s Home Energy  
21 Rating System (commonly known as  
22 “HERS”) by an individual certified by the  
23 Residential Energy Service Network, un-  
24 less the Secretary of Housing and Urban  
25 Development finds that the use of HERS

1 does not further the purposes of this sub-  
2 title;

3 (ii) in accordance with the Alaska  
4 Housing Finance Corporation energy rat-  
5 ing system by an individual certified by the  
6 Alaska Housing Finance Corporation as an  
7 authorized Energy Rater; or

8 (iii) by other methods approved by the  
9 Secretary of Housing and Urban Develop-  
10 ment, in consultation with the Secretary  
11 and the advisory group established in sec-  
12 tion 1505(c), for use under this subtitle,  
13 which shall include a third-party quality  
14 assurance procedure.

15 (3) USE BY APPRAISER.—If an energy effi-  
16 ciency report is used under subsection (b), the en-  
17 ergy efficiency report shall be provided to the ap-  
18 praiser to estimate the energy efficiency of the sub-  
19 ject property and for potential adjustments for en-  
20 ergy efficiency.

21 (d) PRICING OF LOANS.—

22 (1) IN GENERAL.—The Federal Housing Ad-  
23 ministration may price covered loans originated  
24 under the enhanced loan eligibility requirements re-



1       quired under this section in accordance with the esti-  
2       mated risk of the loans.

3           (2) IMPOSITION OF CERTAIN MATERIAL COSTS,  
4       IMPEDIMENTS, OR PENALTIES.—In the absence of a  
5       publicly disclosed analysis that demonstrates signifi-  
6       cant additional default risk or prepayment risk asso-  
7       ciated with the loans, the Federal Housing Adminis-  
8       tration shall not impose material costs, impediments,  
9       or penalties on covered loans merely because the  
10      loan uses an energy efficiency report or the en-  
11      hanced loan eligibility requirements required under  
12      this section.

13      (e) LIMITATIONS.—

14           (1) IN GENERAL.—The Federal Housing Ad-  
15      ministration may price covered loans originated  
16      under the enhanced loan eligibility requirements re-  
17      quired under this section in accordance with the esti-  
18      mated risk of those loans.

19           (2) PROHIBITED ACTIONS.—The Federal Hous-  
20      ing Administration shall not—

21           (A) modify existing underwriting criteria  
22      or adopt new underwriting criteria that inten-  
23      tionally negate or reduce the impact of the re-  
24      quirements or resulting benefits that are set  
25      forth or otherwise derived from the enhanced

1 loan eligibility requirements required under this  
2 section; or

3 (B) impose greater buy back requirements,  
4 credit overlays, or insurance requirements, in-  
5 cluding private mortgage insurance, on covered  
6 loans merely because the loan uses an energy  
7 efficiency report or the enhanced loan eligibility  
8 requirements required under this section.

9 (f) APPLICABILITY AND IMPLEMENTATION DATE.—  
10 Not later than 3 years after the date of enactment of this  
11 Act, and before December 31, 2019, the enhanced loan  
12 eligibility requirements required under this section shall  
13 be implemented by the Federal Housing Administration  
14 to—

15 (1) apply to any covered loan for the sale, or  
16 refinancing of any loan for the sale, of any home;

17 (2) be available on any residential real property  
18 (including individual units of condominiums and co-  
19 operatives) that qualifies for a covered loan; and

20 (3) provide prospective mortgagees with suffi-  
21 cient guidance and applicable tools to implement the  
22 required underwriting methods.

1 **SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDER-**  
2 **WRITING VALUATION GUIDELINES.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary of Housing  
5 and Urban Development shall—

6 (1) in consultation with the Federal Financial  
7 Institutions Examination Council and the advisory  
8 group established in section 1505(c), develop and  
9 issue guidelines for the Federal Housing Administra-  
10 tion to determine the maximum permitted loan  
11 amount based on the value of the property for all  
12 covered loans made on properties with an energy ef-  
13 ficiency report that meets the requirements of sec-  
14 tion 1502(c)(2); and

15 (2) in consultation with the Secretary, issue  
16 guidelines for the Federal Housing Administration  
17 to determine the estimated energy savings under  
18 subsection (c) for properties with an energy effi-  
19 ciency report.

20 (b) REQUIREMENTS.—The enhanced energy effi-  
21 ciency underwriting valuation guidelines required under  
22 subsection (a) shall include—

23 (1) a requirement that if an energy efficiency  
24 report that meets the requirements of section  
25 1502(c)(2) is voluntarily provided to the mortgagee,  
26 such report shall be used by the mortgagee or the

1 Federal Housing Administration to determine the  
2 estimated energy savings of the subject property;  
3 and

4 (2) a requirement that the estimated energy  
5 savings of the subject property be added to the ap-  
6 praised value of the subject property by a mortgagee  
7 or the Federal Housing Administration for the pur-  
8 pose of determining the loan-to-value ratio of the  
9 subject property, unless the appraisal includes the  
10 value of the overall energy efficiency of the subject  
11 property, using methods to be established under the  
12 guidelines issued under subsection (a).

13 (c) DETERMINATION OF ESTIMATED ENERGY SAV-  
14 INGS.—

15 (1) AMOUNT OF ENERGY SAVINGS.—The  
16 amount of estimated energy savings shall be deter-  
17 mined by calculating the difference between the esti-  
18 mated energy costs for the average comparable  
19 houses, as determined in guidelines to be issued  
20 under subsection (a), and the estimated energy costs  
21 for the subject property based upon the energy effi-  
22 ciency report.

23 (2) DURATION OF ENERGY SAVINGS.—The du-  
24 ration of the estimated energy savings shall be based  
25 upon the estimated life of the applicable equipment,

1 consistent with the rating system used to produce  
 2 the energy efficiency report.

3 (3) PRESENT VALUE OF ENERGY SAVINGS.—

4 The present value of the future savings shall be dis-  
 5 counted using the average interest rate on conven-  
 6 tional 30-year mortgages, in the manner directed by  
 7 guidelines issued under subsection (a).

8 (d) ENSURING CONSIDERATION OF ENERGY EFFI-  
 9 CIENT FEATURES.—Section 1110 of the Financial Institu-  
 10 tions Reform, Recovery, and Enforcement Act of 1989 (12  
 11 U.S.C. 3339) is amended—

12 (1) in paragraph (2), by striking “; and” at the  
 13 end;

14 (2) in paragraph (3), by striking the period at  
 15 the end and inserting “; and”; and

16 (3) by inserting after paragraph (3) the fol-  
 17 lowing:

18 “(4) that State certified and licensed appraisers  
 19 have timely access, whenever practicable, to informa-  
 20 tion from the property owner and the lender that  
 21 may be relevant in developing an opinion of value re-  
 22 garding the energy-saving improvements or features  
 23 of a property, such as—

24 “(A) labels or ratings of buildings;

1 “(B) installed appliances, measures, sys-  
2 tems or technologies;

3 “(C) blueprints;

4 “(D) construction costs;

5 “(E) financial or other incentives regard-  
6 ing energy-efficient components and systems in-  
7 stalled in a property;

8 “(F) utility bills;

9 “(G) energy consumption and bench-  
10 marking data; and

11 “(H) third-party verifications or represen-  
12 tations of energy and water efficiency perform-  
13 ance of a property, observing all financial pri-  
14 vacy requirements adhered to by certified and  
15 licensed appraisers, including section 501 of the  
16 Gramm-Leach-Bliley Act (15 U.S.C. 6801).

17 Unless a property owner consents to a lender, an ap-  
18 praiser, in carrying out the requirements of para-  
19 graph (4), shall not have access to the commercial  
20 or financial information of the owner that is privi-  
21 leged or confidential.”.

22 (e) TRANSACTIONS REQUIRING STATE CERTIFIED  
23 APPRAISERS.—Section 1113 of the Financial Institutions  
24 Reform, Recovery, and Enforcement Act of 1989 (12  
25 U.S.C. 3342) is amended—

1           (1) in paragraph (1), by inserting before the  
 2           semicolon the following: “, or any real property on  
 3           which the appraiser makes adjustments using an en-  
 4           ergy efficiency report”; and

5           (2) in paragraph (2), by inserting after before  
 6           the period at the end the following: “, or an ap-  
 7           praisal on which the appraiser makes adjustments  
 8           using an energy efficiency report”.

9           (f) PROTECTIONS.—

10           (1) AUTHORITY TO IMPOSE LIMITATIONS.—The  
 11           guidelines to be issued under subsection (a) shall in-  
 12           clude such limitations and conditions as determined  
 13           by the Secretary of Housing and Urban Develop-  
 14           ment to be necessary to protect against meaningful  
 15           under or over valuation of energy cost savings or du-  
 16           plicative counting of energy efficiency features or en-  
 17           ergy cost savings in the valuation of any subject  
 18           property that is used to determine a loan amount.

19           (2) ADDITIONAL AUTHORITY.—At the end of  
 20           the 7-year period following the implementation of  
 21           enhanced eligibility and underwriting valuation re-  
 22           quirements under this subtitle, the Secretary of  
 23           Housing and Urban Development may modify or  
 24           apply additional exceptions to the approach de-  
 25           scribed in subsection (b), where the Secretary of

1       Housing and Urban Development finds that the  
2       unadjusted appraisal will reflect an accurate market  
3       value of the efficiency of the subject property or that  
4       a modified approach will better reflect an accurate  
5       market value.

6       (g) APPLICABILITY AND IMPLEMENTATION DATE.—

7       Not later than 3 years after the date of enactment of this  
8       Act, and before December 31, 2019, the Federal Housing  
9       Administration shall implement the guidelines required  
10      under this section, which shall—

11           (1) apply to any covered loan for the sale, or  
12           refinancing of any loan for the sale, of any home;  
13           and

14           (2) be available on any residential real property,  
15           including individual units of condominiums and co-  
16           operatives, that qualifies for a covered loan.

17   **SEC. 1504. MONITORING.**

18       Not later than 1 year after the date on which the  
19       enhanced eligibility and underwriting valuation require-  
20       ments are implemented under this subtitle, and every year  
21       thereafter, the Federal Housing Administration shall issue  
22       and make available to the public a report that—

23           (1) enumerates the number of covered loans of  
24           the Federal Housing Administration for which there  
25           was an energy efficiency report, and that used en-



1       energy efficiency appraisal guidelines and enhanced  
2       loan eligibility requirements;

3           (2) includes the default rates and rates of fore-  
4       closures for each category of loans; and

5           (3) describes the risk premium, if any, that the  
6       Federal Housing Administration has priced into cov-  
7       ered loans for which there was an energy efficiency  
8       report.

9   **SEC. 1505. RULEMAKING.**

10       (a) IN GENERAL.—The Secretary of Housing and  
11   Urban Development shall prescribe regulations to carry  
12   out this subtitle, in consultation with the Secretary and  
13   the advisory group established in subsection (c), which  
14   may contain such classifications, differentiations, or other  
15   provisions, and may provide for such proper implementa-  
16   tion and appropriate treatment of different types of trans-  
17   actions, as the Secretary of Housing and Urban Develop-  
18   ment determines are necessary or proper to effectuate the  
19   purposes of this subtitle, to prevent circumvention or eva-  
20   sion thereof, or to facilitate compliance therewith.

21       (b) RULE OF CONSTRUCTION.—Nothing in this sub-  
22   title shall be construed to authorize the Secretary of Hous-  
23   ing and Urban Development to require any homeowner or  
24   other party to provide energy efficiency reports, energy ef-

1 efficiency labels, or other disclosures to the Federal Housing  
2 Administration or to a mortgagee.

3 (c) ADVISORY GROUP.—To assist in carrying out this  
4 subtitle, the Secretary of Housing and Urban Develop-  
5 ment shall establish an advisory group, consisting of indi-  
6 viduals representing the interests of—

7 (1) mortgage lenders;

8 (2) appraisers;

9 (3) energy raters and residential energy con-  
10 sumption experts;

11 (4) energy efficiency organizations;

12 (5) real estate agents;

13 (6) home builders and remodelers;

14 (7) consumer advocates;

15 (8) State energy officials; and

16 (9) others as determined by the Secretary of  
17 Housing and Urban Development.

18 **SEC. 1506. ADDITIONAL STUDY.**

19 (a) IN GENERAL.—Not later than 18 months after  
20 the date of enactment of this Act, the Secretary of Hous-  
21 ing and Urban Development shall reconvene the advisory  
22 group established in section 1505(c), in addition to water  
23 and locational efficiency experts, to advise the Secretary  
24 of Housing and Urban Development on the implementa-

1 tion of the enhanced energy efficiency underwriting cri-  
 2 teria established in sections 1502 and 1503.

3 (b) RECOMMENDATIONS.—The advisory group estab-  
 4 lished in section 1505(c) shall provide recommendations  
 5 to the Secretary of Housing and Urban Development on  
 6 any revisions or additions to the enhanced energy effi-  
 7 ciency underwriting criteria deemed necessary by the  
 8 group, which may include alternate methods to better ac-  
 9 count for home energy costs and additional factors to ac-  
 10 count for substantial and regular costs of homeownership  
 11 such as location-based transportation costs and water  
 12 costs. The Secretary of Housing and Urban Development  
 13 shall forward any legislative recommendations from the  
 14 advisory group to Congress for its consideration.

## 15 **TITLE II—INFRASTRUCTURE**

### 16 **Subtitle A—Cybersecurity**

#### 17 **SEC. 2001. SANCTIONS FOR DISCLOSURE OF CRITICAL** 18 **ELECTRIC INFRASTRUCTURE INFORMATION.**

19 Section 215A(d)(2) of the Federal Power Act (16  
 20 U.S.C. 824o–1(d)(2)) is amended by striking subpara-  
 21 graph (C) and inserting the following:

22 “(C)(i) ensure there are appropriate sanc-  
 23 tions in place for Commissioners and former  
 24 Commissioners who knowingly and willfully dis-  
 25 close critical electric infrastructure information

in a manner that is not authorized under this section, with such sanctions to include, at a minimum, the potential loss of access to critical electric infrastructure information and the potential public issuance of letters of reprimand; and

“(ii) ensure there are appropriate sanctions in place for officers, employees, or agents of the Commission or the Department of Energy who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section; and”.

**SEC. 2002. ENHANCED GRID SECURITY.**

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term “electric utility” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ES-ISAC.—The term “ES-ISAC” means the Electricity Sector Information Sharing and Analysis Center.

(3) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

1 (b) CYBERSECURITY FOR THE ENERGY SECTOR RE-  
2 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-  
3 GRAM.—

4 (1) IN GENERAL.—The Secretary, in consulta-  
5 tion with appropriate Federal agencies, the energy  
6 sector, the States, and other stakeholders, shall  
7 carry out a program—

8 (A) to develop advanced cybersecurity ap-  
9 plications and technologies for the energy sec-  
10 tor—

11 (i) to identify and mitigate  
12 vulnerabilities, including—

13 (I) dependencies on other critical  
14 infrastructure; and

15 (II) impacts from weather and  
16 fuel supply; and

17 (ii) to advance the security of field de-  
18 vices and third-party control systems, in-  
19 cluding—

20 (I) systems for generation, trans-  
21 mission, distribution, end use, and  
22 market functions;

23 (II) specific electric grid elements  
24 including advanced metering, demand

1 response, distributed generation, and  
2 electricity storage;

3 (III) forensic analysis of infected  
4 systems; and

5 (IV) secure communications;

6 (B) to leverage electric grid architecture as  
7 a means to assess risks to the energy sector, in-  
8 cluding by implementing an all-hazards ap-  
9 proach to communications infrastructure, con-  
10 trol systems architecture, and power systems  
11 architecture;

12 (C) to perform pilot demonstration projects  
13 with the energy sector to gain experience with  
14 new technologies; and

15 (D) to develop workforce development cur-  
16 ricula for energy sector-related cybersecurity.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to carry out  
19 this subsection \$65,000,000 for each of fiscal years  
20 2018 through 2026.

21 (c) ENERGY SECTOR COMPONENT TESTING FOR  
22 CYBERRESILIENCE PROGRAM.—

23 (1) IN GENERAL.—The Secretary shall carry  
24 out a program—

1 (A) to establish a cybertesting and mitiga-  
2 tion program to identify vulnerabilities of en-  
3 ergy sector supply chain products to known  
4 threats;

5 (B) to collaborate with third-party  
6 cybertesting; and

7 (C) to develop procurement guidelines for  
8 energy sector supply chain components.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out  
11 this subsection \$15,000,000 for each of fiscal years  
12 2018 through 2026.

13 (d) ENERGY SECTOR OPERATIONAL SUPPORT FOR  
14 CYBERRESILIENCE PROGRAM.—

15 (1) IN GENERAL.—The Secretary may carry out  
16 a program—

17 (A) to enhance and periodically test—

18 (i) the emergency response capabilities  
19 of the Department; and

20 (ii) the coordination of the Depart-  
21 ment with other agencies, the National  
22 Laboratories, and private industry;

23 (B) to expand cooperation of the Depart-  
24 ment with the intelligence communities for en-

1           ergy sector-related threat collection and anal-  
2           ysis;

3           (C) to enhance the tools of the Department  
4           and ES-ISAC for monitoring the status of the  
5           energy sector;

6           (D) to expand industry participation in  
7           ES-ISAC; and

8           (E) to provide technical assistance to small  
9           electric utilities for purposes of assessing  
10          cybermaturity level.

11          (2) AUTHORIZATION OF APPROPRIATIONS.—

12          There is authorized to be appropriated to carry out  
13          this subsection \$10,000,000 for each of fiscal years  
14          2018 through 2026.

15          (e) MODELING AND ASSESSING ENERGY INFRA-  
16          STRUCTURE RISK.—

17           (1) IN GENERAL.—The Secretary shall develop  
18          an advanced energy security program to secure en-  
19          ergy networks, including electric, natural gas, and  
20          oil exploration, transmission, and delivery.

21           (2) SECURITY AND RESILIENCY OBJECTIVE.—

22          The objective of the program developed under para-  
23          graph (1) is to increase the functional preservation  
24          of the electric grid operations or natural gas and oil  
25          operations in the face of natural and human-made



1 threats and hazards, including electric magnetic  
2 pulse and geomagnetic disturbances.

3 (3) ELIGIBLE ACTIVITIES.—In carrying out the  
4 program developed under paragraph (1), the Sec-  
5 retary may—

6 (A) develop capabilities to identify  
7 vulnerabilities and critical components that pose  
8 major risks to grid security if destroyed or im-  
9 paired;

10 (B) provide modeling at the national level  
11 to predict impacts from natural or human-made  
12 events;

13 (C) develop a maturity model for physical  
14 security and cybersecurity;

15 (D) conduct exercises and assessments to  
16 identify and mitigate vulnerabilities to the elec-  
17 tric grid, including providing mitigation rec-  
18 ommendations;

19 (E) conduct research hardening solutions  
20 for critical components of the electric grid;

21 (F) conduct research mitigation and recov-  
22 ery solutions for critical components of the elec-  
23 tric grid; and

1 (G) provide technical assistance to States  
2 and other entities for standards and risk anal-  
3 ysis.

4 (4) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out  
6 this subsection \$10,000,000 for each of fiscal years  
7 2018 through 2026.

8 (f) LEVERAGING EXISTING PROGRAMS.—The pro-  
9 grams established under this section shall be carried out  
10 consistent with—

11 (1) the report of the Department entitled  
12 “Roadmap to Achieve Energy Delivery Systems Cy-  
13 bersecurity” and dated 2011;

14 (2) existing programs of the Department; and

15 (3) any associated strategic framework that  
16 links together academic and National Laboratory re-  
17 searchers, electric utilities, manufacturers, and any  
18 other relevant private industry organizations, includ-  
19 ing the Electricity Sub-sector Coordinating Council.

20 (g) STUDY.—

21 (1) IN GENERAL.—Not later than 180 days  
22 after the date of enactment of this Act, the Sec-  
23 retary, in consultation with the Federal Energy Reg-  
24 ulatory Commission and the North American Elec-  
25 tric Reliability Corporation, shall conduct a study to

1 explore alternative management structures and fund-  
 2 ing mechanisms to expand industry membership and  
 3 participation in ES–ISAC.

4 (2) REPORT.—The Secretary shall submit to  
 5 the appropriate committees of Congress a report de-  
 6 scribing the results of the study conducted under  
 7 paragraph (1).

## 8 **Subtitle B—Strategic Petroleum** 9 **Reserve**

### 10 **SEC. 2101. STRATEGIC PETROLEUM RESERVE DRAWDOWN** 11 **AND SALE.**

12 Section 403 of the Bipartisan Budget Act of 2015  
 13 (Public Law 114–74; 129 Stat. 589) is amended by add-  
 14 ing at the end the following:

15 “(d) INCREASE; LIMITATION.—

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

21 “(2) LIMITATION.—The Secretary of Energy  
 22 shall not drawdown or conduct sales of crude oil  
 23 under this section after the date on which a total of  
 24 \$5,050,000,000 has been deposited in the general

1 fund of the Treasury from sales authorized under  
 2 this section.”.

### 3 **Subtitle C—Trade**

#### 4 **SEC. 2201. ACTION ON APPLICATIONS TO EXPORT LIQUE-** 5 **FIED NATURAL GAS.**

6 (a) DECISION DEADLINE.—For proposals that must  
 7 also obtain authorization from the Federal Energy Regu-  
 8 latory Commission or the Maritime Administration to site,  
 9 construct, expand, or operate liquefied natural gas export  
 10 facilities, the Secretary shall issue a final decision on any  
 11 application for the authorization to export natural gas  
 12 under section 3(a) of the Natural Gas Act (15 U.S.C.  
 13 717b(a)) not later than 45 days after the later of—

14 (1) the conclusion of the review to site, con-  
 15 struct, expand, or operate the liquefied natural gas  
 16 export facilities required by the National Environ-  
 17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);  
 18 or

19 (2) the date of enactment of this Act.

20 (b) CONCLUSION OF REVIEW.—For purposes of sub-  
 21 section (a), review required by the National Environ-  
 22 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall  
 23 be considered concluded when the lead agency—

1           (1) for a project requiring an Environmental  
2       Impact Statement, publishes a Final Environmental  
3       Impact Statement;

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

7           (3) determines that an application is eligible for  
8       a categorical exclusion pursuant to National Envi-  
9       ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
10      seq.) implementing regulations.

11      (c) JUDICIAL REVIEW.—

12           (1) IN GENERAL.—Except for review in the Su-  
13      preme Court, the United States Court of Appeals for  
14      the District of Columbia Circuit or the circuit in  
15      which the liquefied natural gas export facility will be  
16      located pursuant to an application described in sub-  
17      section (a) shall have original and exclusive jurisdic-  
18      tion over any civil action for the review of—

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

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

23           (2) ORDER.—If the Court in a civil action de-  
24      scribed in paragraph (1) finds that the Secretary  
25      has failed to issue a final decision on the application

1 as required under subsection (a), the Court shall  
2 order the Secretary to issue the final decision not  
3 later than 30 days after the order of the Court.

4 (3) EXPEDITED CONSIDERATION.—The Court  
5 shall—

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

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

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

14 (A) upon motion by an applicant, the mat-  
15 ter shall be transferred to the United States  
16 Court of Appeals for the District of Columbia  
17 Circuit or the circuit in which a liquefied nat-  
18 ural gas export facility will be located pursuant  
19 to an application described in section 3(a) of  
20 the Natural Gas Act (15 U.S.C. 717b(a)); and

21 (B) the provisions of this section shall  
22 apply.

1 **SEC. 2202. PUBLIC DISCLOSURE OF LIQUEFIED NATURAL**  
2 **GAS EXPORT DESTINATIONS.**

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

5 “(g) PUBLIC DISCLOSURE OF LNG EXPORT DES-  
6 TINATIONS.—

7 “(1) IN GENERAL.—In the case of any author-  
8 ization to export liquefied natural gas, the Secretary  
9 of Energy shall require the applicant to report to the  
10 Secretary of Energy the names of the 1 or more  
11 countries of destination to which the exported lique-  
12 fied natural gas is delivered.

13 “(2) TIMING.—The applicant shall file the re-  
14 port required under paragraph (1) not later than—

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

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

22 “(3) DISCLOSURE.—The Secretary of Energy  
23 shall publish the information reported under this  
24 subsection on the website of the Department of En-  
25 ergy and otherwise make the information available  
26 to the public.”.

## Subtitle D—Electricity

### 2 SEC. 2301. GRID STORAGE PROGRAM.

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

8 (b) AREAS OF FOCUS.—The program under this sec-  
9 tion shall focus on—

10 (1) materials, electric thermal,  
11 electromechanical, and electrochemical systems re-  
12 search;

13 (2) power conversion technologies research;

14 (3) developing—

15 (A) empirical and science-based industry  
16 standards to compare the storage capacity,  
17 cycle length and capabilities, and reliability of  
18 different types of electricity storage; and

19 (B) validation and testing techniques;

20 (4) other fundamental and applied research  
21 critical to widespread deployment of electricity stor-  
22 age;

23 (5) device development that builds on results  
24 from research described in paragraphs (1), (2), and  
25 (4), including combinations of power electronics, ad-



1 vanced optimizing controls, and energy storage as a  
2 general purpose element of the electric grid;

3 (6) grid-scale testing and analysis of storage  
4 devices, including test-beds and field trials;

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

8 (8) electricity storage device safety and reli-  
9 ability, including potential failure modes, mitigation  
10 measures, and operational guidelines;

11 (9) standards for storage device performance,  
12 control interface, grid interconnection, and inter-  
13 operability; and

14 (10) maintaining a public database of energy  
15 storage projects, policies, codes, standards, and reg-  
16 ulations.

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

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Secretary to carry  
24 out this section \$50,000,000 for each of fiscal years 2018  
25 through 2027.

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

7 (f) USE OF FUNDS.—To the maximum extent prac-  
 8 ticable, in carrying out this section, the Secretary shall  
 9 ensure that the use of funds to carry out this section is  
 10 coordinated among different offices within the Grid Mod-  
 11 ernization Initiative of the Department and other pro-  
 12 grams conducting energy storage research.

13 **SEC. 2302. ELECTRIC GRID ARCHITECTURE, SCENARIO DE-**  
 14 **VELOPMENT, AND MODELING.**

15 (a) GRID ARCHITECTURE AND SCENARIO DEVELOP-  
 16 MENT.—

17 (1) IN GENERAL.—Subject to paragraph (2),  
 18 the Secretary shall establish and facilitate a collabo-  
 19 rative process to develop model grid architecture and  
 20 a set of future scenarios for the electric grid to ex-  
 21 amine the impacts of different combinations of re-  
 22 sources (including different quantities of distributed  
 23 energy resources and large-scale, central generation)  
 24 on the electric grid.

1           (2) MARKET STRUCTURE.—The grid architec-  
2       ture and scenarios developed under paragraph (1)  
3       shall account for differences in market structure, in-  
4       cluding an examination of the potential for stranded  
5       costs in each type of market structure.

6           (3) FINDINGS.—Based on the findings of grid  
7       architecture developed under paragraph (1), the Sec-  
8       retary shall—

9           (A) determine whether any additional  
10       standards are necessary to ensure the interoper-  
11       ability of grid systems and associated commu-  
12       nications networks; and

13          (B) if the Secretary makes a determination  
14       that additional standards are necessary under  
15       subparagraph (A), make recommendations for  
16       additional standards, including, as may be ap-  
17       propriate, to the Electric Reliability Organiza-  
18       tion under section 215 of the Federal Power  
19       Act (16 U.S.C. 824o). The Electric Reliability  
20       Organization shall not be under any obligation  
21       to establish any process to consider such rec-  
22       ommendations.

23          (b) MODELING.—Subject to subsection (c), the Sec-  
24       retary shall—

1           (1) conduct modeling based on the scenarios de-  
2       veloped under subsection (a); and

3           (2) analyze and evaluate the technical and fi-  
4       nancial impacts of the models to assist States, utili-  
5       ties, and other stakeholders in—

6                   (A) enhancing strategic planning efforts;

7                   (B) avoiding stranded costs; and

8                   (C) maximizing the cost-effectiveness of fu-  
9       ture grid-related investments.

10       (c) INPUT.—The Secretary shall develop the sce-  
11       narios and conduct the modeling and analysis under sub-  
12       sections (a) and (b) with participation or input, as appro-  
13       prium, from—

14           (1) the National Laboratories;

15           (2) States;

16           (3) State regulatory authorities;

17           (4) transmission organizations;

18           (5) representatives of all sectors of the electric  
19       power industry;

20           (6) academic institutions;

21           (7) independent research institutes; and

22           (8) other entities.

23       (d) EFFECT.—Nothing in this section grants any per-  
24       son a right to receive or review confidential, proprietary,

1 or otherwise protected information concerning grid archi-  
2 tecture or scenarios.

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

5 (a) DEFINITIONS.—In this section:

6 (1) HYBRID MICRO-GRID SYSTEM.—The term  
7 “hybrid micro-grid system” means a stand-alone  
8 electrical system that—

9 (A) is comprised of conventional generation  
10 and at least 1 alternative energy resource; and

11 (B) may use grid-scale energy storage.

12 (2) ISOLATED COMMUNITY.—The term “iso-  
13 lated community” means a community that is pow-  
14 ered by a stand-alone electric generation and dis-  
15 tribution system without the economic and reliability  
16 benefits of connection to a regional electric grid.

17 (3) MICRO-GRID SYSTEM.—The term “micro-  
18 grid system” means a standalone electrical system  
19 that uses grid-scale energy storage.

20 (4) STRATEGY.—The term “strategy” means  
21 the strategy developed pursuant to subsection  
22 (b)(2)(B).

23 (b) PROGRAM.—

24 (1) ESTABLISHMENT.—The Secretary shall es-  
25 tablish a program to promote the development of—

1 (A) hybrid micro-grid systems for isolated  
2 communities; and

3 (B) micro-grid systems to increase the re-  
4 silience of critical infrastructure.

5 (2) PHASES.—The program established under  
6 paragraph (1) shall be divided into the following  
7 phases:

8 (A) Phase I, which shall consist of the de-  
9 velopment of a feasibility assessment for—

10 (i) hybrid micro-grid systems in iso-  
11 lated communities; and

12 (ii) micro-grid systems to enhance the  
13 resilience of critical infrastructure.

14 (B) Phase II, which shall consist of the de-  
15 velopment of an implementation strategy, in ac-  
16 cordance with paragraph (3), to promote the  
17 development of hybrid micro-grid systems for  
18 isolated communities, particularly for those  
19 communities exposed to extreme weather condi-  
20 tions and high energy costs, including elec-  
21 tricity, space heating and cooling, and transpor-  
22 tation.

23 (C) Phase III, which shall be carried out  
24 in parallel with Phase II and consist of the de-  
25 velopment of an implementation strategy to

1 promote the development of micro-grid systems  
2 that increase the resilience of critical infrastruc-  
3 ture.

4 (D) Phase IV, which shall consist of cost-  
5 shared demonstration projects, based upon the  
6 strategies developed under subparagraph (B)  
7 that include the development of physical and cy-  
8 bersecurity plans to take appropriate measures  
9 to protect and secure the electric grid.

10 (E) Phase V, which shall establish a bene-  
11 fits analysis plan to help inform regulators, pol-  
12 icymakers, and industry stakeholders about the  
13 affordability, environmental and resilience bene-  
14 fits associated with Phases II, III, and IV.

15 (3) REQUIREMENTS FOR STRATEGY.—In devel-  
16 oping the strategy under paragraph (2)(B), the Sec-  
17 retary shall consider—

18 (A) establishing future targets for the eco-  
19 nomic displacement of conventional generation  
20 using hybrid micro-grid systems, including dis-  
21 placement of conventional generation used for  
22 electric power generation, heating and cooling,  
23 and transportation;

1 (B) the potential for renewable resources,  
2 including wind, solar, and hydropower, to be in-  
3 tegrated into a hybrid micro-grid system;

4 (C) opportunities for improving the effi-  
5 ciency of existing hybrid micro-grid systems;

6 (D) the capacity of the local workforce to  
7 operate, maintain, and repair a hybrid micro-  
8 grid system;

9 (E) opportunities to develop the capacity of  
10 the local workforce to operate, maintain, and  
11 repair a hybrid micro-grid system;

12 (F) leveraging existing capacity within  
13 local or regional research organizations, such as  
14 organizations based at institutions of higher  
15 education, to support development of hybrid  
16 micro-grid systems, including by testing novel  
17 components and systems prior to field deploy-  
18 ment;

19 (G) the need for basic infrastructure to de-  
20 velop, deploy, and sustain a hybrid micro-grid  
21 system;

22 (H) input of traditional knowledge from  
23 local leaders of isolated communities in the de-  
24 velopment of a hybrid micro-grid system;



1 (I) the impact of hybrid micro-grid systems  
2 on defense, homeland security, economic devel-  
3 opment, and environmental interests;

4 (J) opportunities to leverage existing inter-  
5 agency coordination efforts and recommenda-  
6 tions for new interagency coordination efforts to  
7 minimize unnecessary overhead, mobilization,  
8 and other project costs; and

9 (K) any other criteria the Secretary deter-  
10 mines appropriate.

11 (c) COLLABORATION.—The program established  
12 under subsection (b)(1) shall be carried out in collabora-  
13 tion with relevant stakeholders, including, as appro-  
14 priate—

- 15 (1) States;
- 16 (2) Indian tribes;
- 17 (3) regional entities and regulators;
- 18 (4) units of local government;
- 19 (5) institutions of higher education; and
- 20 (6) private sector entities.

21 (d) REPORT.—Not later than 180 days after the date  
22 of enactment of this Act, and annually thereafter until cal-  
23 endar year 2026, the Secretary shall submit to the Com-  
24 mittee on Energy and Natural Resources of the Senate  
25 and the Committee on Energy and Commerce of the

1 House of Representatives a report on the efforts to imple-  
2 ment the program established under subsection (b)(1) and  
3 the status of the strategy developed under subsection  
4 (b)(2)(B).

5 **SEC. 2304. VOLUNTARY MODEL PATHWAYS.**

6 (a) ESTABLISHMENT OF VOLUNTARY MODEL PATH-  
7 WAYS.—

8 (1) ESTABLISHMENT.—Not later than 90 days  
9 after the date of enactment of this Act, the Sec-  
10 retary, in consultation with the steering committee  
11 established under paragraph (3), shall initiate the  
12 development of voluntary model pathways for mod-  
13 ernizing the electric grid through a collaborative,  
14 public-private effort that—

15 (A) produces illustrative policy pathways  
16 encompassing a diverse range of technologies  
17 that can be adapted for State and regional ap-  
18 plications by regulators and policymakers;

19 (B) facilitates the modernization of the  
20 electric grid and associated communications  
21 networks to achieve the objectives described in  
22 paragraph (2);

23 (C) ensures a reliable, resilient, affordable,  
24 safe, and secure electric grid; and

1 (D) acknowledges and accounts for dif-  
2 ferent priorities, electric systems, and rate  
3 structures across States and regions.

4 (2) OBJECTIVES.—The pathways established  
5 under paragraph (1) shall facilitate achievement of  
6 as many of the following objectives as practicable:

7 (A) Near real-time situational awareness of  
8 the electric system.

9 (B) Data visualization.

10 (C) Advanced monitoring and control of  
11 the advanced electric grid.

12 (D) Enhanced certainty of policies for in-  
13 vestment in the electric grid.

14 (E) Increased innovation.

15 (F) Greater consumer empowerment.

16 (G) Enhanced grid resilience, reliability,  
17 and robustness.

18 (H) Improved—

19 (i) integration of distributed energy  
20 resources;

21 (ii) interoperability of the electric sys-  
22 tem; and

23 (iii) predictive modeling and capacity  
24 forecasting.

25 (I) Reduced cost of service for consumers.

1 (J) Diversification of generation sources.

2 (3) STEERING COMMITTEE.—Not later than 90  
3 days after the date of enactment of this Act, the  
4 Secretary shall establish a steering committee to  
5 help develop the pathways under paragraph (1), to  
6 be composed of members appointed by the Secretary,  
7 consisting of persons with appropriate expertise rep-  
8 resenting a diverse range of interests in the public,  
9 private, and academic sectors, including representa-  
10 tives of—

11 (A) the Federal Energy Regulatory Com-  
12 mission;

13 (B) the National Laboratories;

14 (C) States;

15 (D) State regulatory authorities;

16 (E) transmission organizations;

17 (F) representatives of all sectors of the  
18 electric power industry;

19 (G) institutions of higher education;

20 (H) independent research institutes; and

21 (I) other entities.

22 (b) TECHNICAL ASSISTANCE.—The Secretary may  
23 provide technical assistance to States, Indian tribes, or  
24 units of local government to adopt or implement 1 or more

1 elements of the pathways developed under subsection  
2 (a)(1), including on a pilot basis.

3 **SEC. 2305. PERFORMANCE METRICS FOR ELECTRICITY IN-**  
4 **FRASTRUCTURE PROVIDERS.**

5 (a) IN GENERAL.—Not later than 2 years after the  
6 date of enactment of this Act, the Secretary, in consulta-  
7 tion with the steering committee established under section  
8 2304(a)(3), shall submit to the Committee on Energy and  
9 Natural Resources of the Senate and the Committee on  
10 Energy and Commerce of the House of Representatives  
11 a report that includes—

12 (1) an evaluation of the performance of the  
13 electric grid as of the date of the report; and

14 (2) a description of the projected range of  
15 measurable costs and benefits associated with the  
16 changes evaluated under the scenarios developed  
17 under section 2302.

18 (b) CONSIDERATIONS FOR DEVELOPMENT OF  
19 METRICS.—In developing metrics for the evaluation and  
20 projections under subsection (a), the Secretary shall con-  
21 sider—

22 (1) standard methodologies for calculating im-  
23 provements or deteriorations in the performance  
24 metrics, such as reliability, grid efficiency, power

1 quality, consumer satisfaction, sustainability, and fi-  
2 nancial incentives;

3 (2) standard methodologies for calculating po-  
4 tential costs and measurable benefits value to rate-  
5 payers, applying the performance metrics developed  
6 under paragraph (1);

7 (3) identification of tools, resources, and de-  
8 ployment models that may enable improved perform-  
9 ance through the adoption of emerging, commer-  
10 cially available or advanced grid technologies or solu-  
11 tions, including—

12 (A) multicustomer micro-grids;

13 (B) distributed energy resources;

14 (C) energy storage;

15 (D) electric vehicles;

16 (E) electric vehicle charging infrastructure;

17 (F) integrated information and commu-  
18 nications systems;

19 (G) transactive energy systems; and

20 (H) advanced demand management sys-  
21 tems; and

22 (4) the role of States and local regulatory au-  
23 thorities in enabling a robust future electric grid to  
24 ensure that—

1 (A) electric utilities remain financially via-  
2 ble;

3 (B) electric utilities make the needed in-  
4 vestments that ensure a reliable, secure, and re-  
5 silient grid; and

6 (C) costs incurred to transform to an inte-  
7 grated grid are allocated and recovered respon-  
8 sibly, efficiently, and equitably.

9 **SEC. 2306. VOLUNTARY STATE, REGIONAL, AND LOCAL**  
10 **ELECTRICITY DISTRIBUTION PLANNING.**

11 (a) IN GENERAL.—On the request of a State, re-  
12 gional organization, or electric utility, the Secretary shall  
13 provide assistance to States, regional organizations, and  
14 electric utilities to facilitate the development of State, re-  
15 gional, and local electricity distribution plans by—

16 (1) conducting a resource assessment and anal-  
17 ysis of future demand and distribution requirements;  
18 and

19 (2) developing open source tools for State, re-  
20 gional, and local planning and operations.

21 (b) RISK AND SECURITY ANALYSIS.—The assessment  
22 under subsection (a)(1) shall include—

23 (1) the evaluation of the physical security, cy-  
24 bersecurity, and associated communications needs of

1 an advanced distribution management system and  
2 the integration of distributed energy resources; and

3 (2) advanced use of grid architecture to analyze  
4 risks in an all-hazards approach that includes com-  
5 munications infrastructure, control systems architec-  
6 ture, and power systems architecture.

7 (c) DESIGNATION.—The information collected for the  
8 assessment and analysis under subsection (a)(1)—

9 (1) shall be considered to be critical electric in-  
10 frastructure information under section 215A of the  
11 Federal Power Act (16 U.S.C. 824o–1); and

12 (2) shall only be released in compliance with  
13 regulations implementing that section.

14 (d) TECHNICAL ASSISTANCE.—For the purpose of  
15 assisting in the development of State and regional elec-  
16 tricity distribution plans, the Secretary shall provide tech-  
17 nical assistance to—

18 (1) States;

19 (2) regional reliability entities; and

20 (3) other distribution asset owners and opera-  
21 tors.

22 (e) WITHDRAWAL.—A State or any entity that has  
23 requested technical assistance under this section may  
24 withdraw the request for technical assistance at any time,



1 and on such withdrawal, the Secretary shall terminate all  
2 assistance efforts.

3 (f) EFFECT.—Nothing in this section authorizes the  
4 Secretary to require any State, regional organization, re-  
5 gional reliability entity, asset owner, or asset operator to  
6 adopt any model, tool, plan, analysis, or assessment.

7 **SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Sec-  
9 retary to carry out section 2302 through this section  
10 \$200,000,000 for each of fiscal years 2018 through 2027.

11 **SEC. 2308. POWER MARKETING ADMINISTRATION AGREE-**  
12 **MENTS.**

13 (a) IN GENERAL.—The Secretary of the Interior,  
14 with respect to public lands (as defined in section 103(e)  
15 of the Federal Land Policy and Management Act (43  
16 U.S.C. 1702(e)), and the Secretary of Agriculture, with  
17 respect to National Forest System land, shall provide for  
18 continuity of the existing use and occupancy for the trans-  
19 mission of electric energy by any Federal department or  
20 agency granted across public lands or National Forest  
21 System land.

22 (b) AGREEMENTS.—The Secretary of the Interior or  
23 the Secretary of Agriculture, as applicable, within 30 days  
24 after receiving a request from the Federal department or  
25 agency administering the electric energy transmission fa-

1 cilities, shall, in consultation with that department or  
 2 agency, initiate agreements regarding the use and occu-  
 3 pancy or right-of-way (including vegetation management  
 4 agreements, where applicable).

5 **SEC. 2309. REPORT BY TRANSMISSION ORGANIZATIONS ON**  
 6 **DISTRIBUTED ENERGY RESOURCES AND**  
 7 **INTERCONNECTED MICRO-GRID SYSTEMS.**

8 (a) DEFINITIONS.—In this section:

9 (1) DISTRIBUTED ENERGY RESOURCE.—The  
 10 term “distributed energy resource” means an elec-  
 11 tricity supply resource that, as permitted by State  
 12 law—

13 (A)(i) is interconnected to the electric sys-  
 14 tem at or below 69kV; and

15 (ii) is subject to dispatch by the trans-  
 16 mission organization; and

17 (B)(i) generates electricity using any pri-  
 18 mary energy source, including solar energy and  
 19 other renewable resources; or

20 (ii) stores energy and is capable of sup-  
 21 plying electricity to the electric system operated  
 22 by the transmission organization from the stor-  
 23 age reservoir.

24 (2) INTERCONNECTED MICRO-GRID SYSTEM.—

25 The term “interconnected micro-grid system” means

1 an electrically distinct system under common control  
2 that is—

3 (A) interconnected to the transmission or-  
4 ganization; and

5 (B) capable of operating in parallel with,  
6 or independently from, the bulk-power system.

7 (3) TRANSMISSION ORGANIZATION.—The term  
8 “transmission organization” has the meaning given  
9 the term “Transmission Organization” in section 3  
10 of the Federal Power Act (16 U.S.C. 796).

11 (b) REPORT.—

12 (1) NOTICE.—Not later than 14 days after the  
13 date of enactment of this Act, the Commission shall  
14 submit to each transmission organization notice that  
15 the transmission organization is required to file with  
16 the Commission a report in accordance with para-  
17 graph (2).

18 (2) REPORT.—Not later than 180 days after  
19 the date on which a transmission organization re-  
20 ceives a notice under paragraph (1), the trans-  
21 mission organization shall submit to the Commission  
22 a report that—

23 (A)(i) identifies distributed energy re-  
24 sources and interconnected micro-grid systems;  
25 and

1           (ii) describes the fuel sources and oper-  
2           ational characteristics of such distributed en-  
3           ergy resources and interconnected micro-grid  
4           systems, including, to the extent practicable, a  
5           discussion of the benefits and costs associated  
6           with the distributed energy resources and inter-  
7           connected micro-grid systems identified under  
8           clause (i);

9           (B) evaluates, with due regard for oper-  
10          ational and economic benefits and costs, the po-  
11          tential for distributed energy resources and  
12          interconnected micro-grid systems to be de-  
13          ployed to the transmission organization over the  
14          short- and long-term periods in the planning  
15          cycle of the transmission organization; and

16          (C) identifies—

17               (i) over the short- and long-term peri-  
18               ods in the planning cycle of the trans-  
19               mission organization, barriers to the avail-  
20               ability to the transmission organization of  
21               distributed energy resources and inter-  
22               connected micro-grid systems; and

23               (ii) potential changes to the oper-  
24               ational requirements for, or charges associ-  
25               ated with, the availability of distributed en-

1                   ergy resources and interconnected micro-  
 2                   grid systems to the transmission organiza-  
 3                   tion that would reduce the barriers identi-  
 4                   fied under clause (i).

5 **SEC. 2310. VEGETATION MANAGEMENT, FACILITY INSPEC-**  
 6 **TION, AND OPERATION AND MAINTENANCE**  
 7 **ON FEDERAL LAND CONTAINING ELECTRIC**  
 8 **TRANSMISSION AND DISTRIBUTION FACILI-**  
 9 **TIES.**

10       (a) IN GENERAL.—Title V of the Federal Land Pol-  
 11 icy and Management Act of 1976 (43 U.S.C. 1761 et seq.)  
 12 is amended by adding at the end the following:

13 **“SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPEC-**  
 14 **TION, AND OPERATION AND MAINTENANCE**  
 15 **RELATING TO ELECTRIC TRANSMISSION AND**  
 16 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

17       “(a) DEFINITIONS.—In this section:

18               “(1) OWNER; OPERATOR.—The terms ‘owner’  
 19 and ‘operator’ include contractors or other agents  
 20 engaged by the owner or operator of an electric  
 21 transmission or distribution facility.

22               “(2) PLAN.—The term ‘plan’ means a vegeta-  
 23 tion management, facility inspection, and operation  
 24 and maintenance plan that—

1           “(A) is prepared by the owner or operator  
 2           of 1 or more electric transmission or distribu-  
 3           tion facilities to cover 1 or more electric trans-  
 4           mission and distribution rights-of-way; and

5           “(B) provides for the long-term, cost-effec-  
 6           tive, efficient, and timely management of facili-  
 7           ties and vegetation within the width of the  
 8           right-of-way and adjacent Federal land to en-  
 9           hance electric reliability, promote public safety,  
 10          and avoid fire hazards.

11          “(3) SECRETARY CONCERNED.—The term ‘Sec-  
 12          retary concerned’ means—

13           “(A) the Secretary, with respect to public  
 14           lands; and

15           “(B) the Secretary of Agriculture, with re-  
 16           spect to National Forest System land.

17          “(b) GUIDANCE.—

18           “(1) IN GENERAL.—To enhance the reliability  
 19           of the electric grid and reduce the threat of wildfire  
 20           damage to, and wildfire caused by vegetation-related  
 21           conditions within, electric transmission and distribu-  
 22           tion rights-of-way and adjacent Federal land, the  
 23           Secretary concerned shall issue and periodically up-  
 24           date guidance to ensure that provisions are appro-  
 25           priately developed and implemented for utility vege-

1       tation management, facility inspection, and oper-  
2       ation and maintenance of rights-of-way, regardless  
3       of the means by which the rights-of-way are estab-  
4       lished (including by grant, special use authorization,  
5       and easement).

6               “(2) LIMITATION.—The guidance issued under  
7       paragraph (1) shall be compatible with mandatory  
8       reliability standards established by the Electric Reli-  
9       ability Organization.

10              “(3) REQUIREMENTS.—The guidance issued  
11       under paragraph (1) shall take into account—

12                   “(A) all applicable law, including fire safe-  
13       ty and electric system reliability requirements  
14       (including reliability standards established by  
15       the Electric Reliability Organization under sec-  
16       tion 215 of the Federal Power Act (16 U.S.C.  
17       824o)); and

18                   “(B) the Memorandum of Understanding  
19       on Vegetation Management for Powerline  
20       Rights-of-Way between the Edison Electric In-  
21       stitute, Utility Arborist Association, the Depart-  
22       ment of the Interior, the Department of Agri-  
23       culture, and the Environmental Protection  
24       Agency signed in 2016.

1           “(4) REQUIRED CONSULTATION.—The guidance  
 2           issued under paragraph (1) shall be developed in  
 3           consultation with the owners of transmission and  
 4           distribution facilities that hold rights-of-way.

5           “(c) VEGETATION MANAGEMENT, FACILITY INSPEC-  
 6           TION, AND OPERATION AND MAINTENANCE PLANS.—

7           “(1) DEVELOPMENT AND SUBMISSION.—Con-  
 8           sistent with subsection (b), the Secretary concerned  
 9           shall provide owners and operators of electric trans-  
 10          mission or distribution facilities located on public  
 11          lands and National Forest System land, as applica-  
 12          ble, with the option to develop and submit a plan.

13          “(2) ERO STANDARDS.—Owners and operators  
 14          subject to mandatory reliability standards estab-  
 15          lished by the Electric Reliability Organization (or  
 16          superseding standards) may use those standards as  
 17          part of the plan.

18          “(3) PLAN REQUIREMENTS.—A plan developed  
 19          under paragraph (1) shall—

20                 “(A) identify the applicable transmission  
 21                 or distribution facilities to be maintained;

22                 “(B) take into account operations and  
 23                 maintenance plans for the applicable powerline;

24                 “(C) describe the vegetation management,  
 25                 inspection, and operation and maintenance



1 methods that may be used to comply with all  
2 applicable law, including fire safety require-  
3 ments and reliability standards established by  
4 the Electric Reliability Organization;

5 “(D) include schedules for—

6 “(i) the applicable owner or operator  
7 to notify the Secretary concerned about  
8 routine and major maintenance;

9 “(ii) the applicable owner or operator  
10 to request approval from the Secretary  
11 concerned about undertaking routine and  
12 major maintenance; and

13 “(iii) the Secretary concerned to re-  
14 spond to a request by an owner or operator  
15 under clause (ii); and

16 “(E) describe processes for—

17 “(i) identifying changes in conditions;  
18 and

19 “(ii) modifying the approved plan, if  
20 necessary.

21 “(4) REVIEW AND APPROVAL PROCESS.—

22 “(A) IN GENERAL.—The Secretary con-  
23 cerned shall develop a process for the review  
24 and approval of plans submitted under para-  
25 graph (1) that—

1 “(i) includes timelines and bench-  
2 marks for—

3 “(I) the submission of agency  
4 comments on the plans and schedules  
5 for final decision; and

6 “(II) the timely review of modi-  
7 fications of the plans in cases in  
8 which modifications are necessary;

9 “(ii) is consistent with applicable law;  
10 and

11 “(iii) includes a process for modifica-  
12 tions to a plan in a prompt manner if  
13 changed conditions necessitate a modifica-  
14 tion to a plan.

15 “(B) CONGRESSIONAL INTENT.—It is the  
16 intent of Congress that the process for review  
17 and approval of plans under this paragraph  
18 shall not exceed 180 days.

19 “(5) CATEGORIES OF ACTIONS NOT REQUIRING  
20 ENVIRONMENTAL ANALYSIS.—With respect to ac-  
21 tions carried out under plans submitted under para-  
22 graph (1), the Secretary concerned shall identify cat-  
23 egories of actions for which neither an environ-  
24 mental impact statement nor an environmental as-  
25 sessment shall be required under section 1508.4 of

1 title 40, Code of Federal Regulations (or a successor  
2 regulation).

3 “(d) CERTAIN OWNERS AND OPERATORS.—

4 “(1) IN GENERAL.—The owner or operator of  
5 an electric transmission or distribution facility that  
6 is not subject to the mandatory reliability standards  
7 established by the Electric Reliability Organization  
8 or that sold less than or equal to 1,000,000 mega-  
9 watt hours of electric energy for purposes other than  
10 resale during each of the 3 calendar years imme-  
11 diately preceding the date of enactment of the En-  
12 ergy and Natural Resources Act of 2017 may enter  
13 into a memorandum of understanding with the Sec-  
14 retary concerned in lieu of a plan under subsection  
15 (c).

16 “(2) MINIMUM REQUIREMENTS.—The Secretary  
17 concerned shall ensure that the minimum require-  
18 ments for a memorandum of understanding under  
19 paragraph (1)—

20 “(A) reflect the relative financial resources  
21 of the applicable owner or operator compared to  
22 other owners or operators of an electric trans-  
23 mission or distribution facility;

24 “(B) include schedules as described in sub-  
25 section (c)(3)(D); and

1 “(C) comply with applicable law.

2 “(e) EMERGENCY CONDITIONS.—If vegetation has  
3 contacted or presents an imminent danger of falling into  
4 the electric transmission or distribution line from within  
5 or adjacent to an electric transmission or distribution  
6 right-of-way, the owner or operator of the electric trans-  
7 mission or distribution lines—

8 “(1) may prune or remove the vegetation—

9 “(A) to avoid the disruption of electric  
10 service; and

11 “(B) to eliminate immediate fire and safe-  
12 ty hazards; and

13 “(2) shall notify the appropriate local agent of  
14 the Secretary concerned not later than 1 day after  
15 the date of the response to emergency conditions.

16 “(f) ACTIVITIES THAT REQUIRE APPROVAL.—

17 “(1) IN GENERAL.—Except for a circumstance  
18 described in paragraph (2), the owner or operator of  
19 an electric transmission or distribution facility may  
20 conduct vegetation management activities that re-  
21 quire approval of the Secretary concerned in accord-  
22 ance with a plan approved under subsection (c) or  
23 a memorandum of understanding entered into under  
24 subsection (d) only with the approval of the Sec-  
25 retary concerned.

1           “(2) AUTHORIZED ACTIVITIES.—The owner or  
2           operator of an electric transmission or distribution  
3           facility may conduct vegetation management activi-  
4           ties that require approval of the Secretary concerned  
5           in accordance with a plan approved under subsection  
6           (c) or a memorandum of understanding entered into  
7           under subsection (d) without the approval of the  
8           Secretary concerned if—

9                   “(A) the owner or operator submitted a re-  
10                  quest to the Secretary concerned in accordance  
11                  with the applicable schedule in a plan approved  
12                  under subsection (c) or a memorandum of un-  
13                  derstanding entered into under subsection (d);

14                  “(B) the vegetation management activities  
15                  proposed in the request under subparagraph  
16                  (A) are in accordance with a plan approved  
17                  under subsection (c) or a memorandum of un-  
18                  derstanding entered into under subsection (d);  
19                  and

20                  “(C) the Secretary concerned fails to re-  
21                  spond to the request under subparagraph (A) in  
22                  accordance with the applicable schedule in a  
23                  plan approved under subsection (c) or a memo-  
24                  randum of understanding entered into under  
25                  subsection (d).

1       “(g) LIABILITY.—The Secretary concerned shall not  
2 impose strict liability for damages or injury resulting from  
3 the Secretary concerned—

4               “(1) unreasonably withholding or delaying—

5                       “(A) approval of a plan under subsection  
6 (c); or

7                       “(B) agreement to enter into a memo-  
8 randum of understanding under subsection (d);  
9 or

10               “(2) unreasonably failing to adhere to an appli-  
11 cable schedule in a plan approved under subsection  
12 (c) or a memorandum of understanding entered into  
13 under subsection (d).

14       “(h) REPORTING REQUIREMENT.—The Secretary  
15 concerned shall report requests and actions made under  
16 subsection (f) annually on the website of the Secretary  
17 concerned.

18       “(i) TRAINING AND GUIDANCE.—In consultation with  
19 the electric utility industry, the Secretary concerned is en-  
20 couraged to develop a program to train personnel of the  
21 Department of the Interior and the Forest Service in-  
22 volved in vegetation management decisions relating to  
23 electric transmission and distribution facilities to ensure  
24 that the personnel—

1           “(1) understand electric system reliability re-  
2           quirements as the requirements relate to vegetation  
3           management of transmission and distribution rights-  
4           of-way on Federal land, including reliability stand-  
5           ards established by the Electric Reliability Organiza-  
6           tion and fire safety requirements;

7           “(2) assist owners and operators of electric  
8           transmission and distribution facilities in complying  
9           with applicable electric reliability and fire safety re-  
10          quirements; and

11          “(3) encourage and assist willing owners and  
12          operators of electric transmission and distribution  
13          facilities to incorporate on a voluntary basis vegeta-  
14          tion management practices to enhance habitats and  
15          forage for pollinators and for other wildlife if the  
16          practices are compatible with the integrated vegeta-  
17          tion management practices necessary for reliability  
18          and safety.

19          “(j) IMPLEMENTATION.—The Secretary concerned  
20          shall—

21               “(1) not later than 1 year after the date of en-  
22               actment of this section, propose regulations, or  
23               amended existing regulations, to implement this sec-  
24               tion; and

1           “(2) not later than 2 years after the date of en-  
 2           actment of this section, finalize regulations, or  
 3           amended existing regulations, to implement this sec-  
 4           tion.

5           “(k) EXISTING VEGETATION MANAGEMENT, FACIL-  
 6           ITY INSPECTION, AND OPERATION AND MAINTENANCE  
 7           PLANS.—Nothing in this section requires an owner or op-  
 8           erator to develop and submit a new plan under this section  
 9           if a plan consistent with this section has already been ap-  
 10          proved by the Secretary concerned before the date of en-  
 11          actment of this section.”.

12          (b) CLERICAL AMENDMENT.—The table of contents  
 13          for the Federal Land Policy and Management Act of 1976  
 14          (43 U.S.C. 1761 et seq.), is amended by inserting after  
 15          the item relating to section 511 the following:

“Sec. 512. Vegetation management, facility inspection, and operation and main-  
 tenance relating to electric transmission and distribution facil-  
 ity rights-of-way.”.

16   **SEC. 2311. STUDY OF COMBINED HEAT AND POWER SYS-**  
 17                           **TEMS AND WASTE HEAT TO POWER SYSTEMS.**

18          (a) DEFINITIONS.—In this section:

19               (1) ADDITIONAL SERVICES.—The term “addi-  
 20               tional services” means the provision of supple-  
 21               mentary power, backup or standby power, mainte-  
 22               nance power, or interruptible power to an electric  
 23               consumer by an electric utility.

24               (2) WASTE HEAT TO POWER SYSTEM.—



1 (A) IN GENERAL.—The term “waste heat  
2 to power system” means a system that gen-  
3 erates electricity through the recovery of waste  
4 energy.

5 (B) EXCLUSION.—The term “waste heat  
6 to power system” does not include a system  
7 that generates electricity through the recovery  
8 of a heat resource from a process the primary  
9 purpose of which is the generation of electricity  
10 using a fossil fuel.

11 (3) OTHER TERMS.—

12 (A) PURPA.—The terms “electric con-  
13 sumer”, “electric utility”, and “interconnection  
14 service” have the meanings given those terms in  
15 the Public Utility Regulatory Policies Act of  
16 1978 (16 U.S.C. 2601 et seq.), within the  
17 meaning of title I of that Act (16 U.S.C. 2611  
18 et seq.).

19 (B) EPCA.—The terms “combined heat  
20 and power system” and “waste energy” have  
21 the meanings given those terms in section 371  
22 of the Energy Policy and Conservation Act (42  
23 U.S.C. 6341).

24 (b) STUDY.—

1           (1) IN GENERAL.—The Secretary, in consulta-  
2           tion with the Federal Energy Regulatory Commis-  
3           sion and other appropriate entities, may conduct a  
4           study of existing rules and procedures relating to  
5           interconnection service and additional services  
6           throughout the United States for electric generation  
7           with nameplate capacity up to 20 megawatts to  
8           identify barriers to the deployment of combined heat  
9           and power systems and waste heat to power systems.

10          (2) INCLUSION.—The study under this sub-  
11          section shall include a review of existing rules and  
12          procedures relating to—

13                (A) determining and assigning costs of  
14                interconnection service and additional services;

15                (B) determining the effectiveness of Fed-  
16                eral and State requirements for interconnection  
17                service and additional services;

18                (C) ensuring adequate cost recovery by an  
19                electric utility for interconnection service and  
20                additional services;

21                (D) ensuring that electricity rates estab-  
22                lished for combined heat and power systems  
23                and waste heat to power systems are—

24                       (i) just and reasonable; and

1 (ii) not unduly preferential or dis-  
2 criminatory; and

3 (E) ensuring the safety and reliability of—

4 (i) interconnected units; and

5 (ii) the distribution and transmission  
6 networks to which the interconnected units  
7 connect.

8 (3) DUPLICATION OF EFFORT.—The Secretary  
9 shall coordinate the study conducted under this sub-  
10 section with existing and ongoing studies to avoid  
11 duplication of effort.

12 (c) REPORT.—

13 (1) IN GENERAL.—As soon as practicable after  
14 the date on which the study is completed under sub-  
15 section (b), the Secretary, in consultation with the  
16 Federal Energy Regulatory Commission, shall sub-  
17 mit to the Committee on Energy and Natural Re-  
18 sources of the Senate and the Committee on Energy  
19 and Commerce of the House of Representatives a re-  
20 port describing the results of the study.

21 (2) INCLUSIONS.—The report submitted under  
22 paragraph (1) shall include—

23 (A) the findings of the Secretary and the  
24 Federal Energy Regulatory Commission with  
25 respect to the matters studied; and

1 (B) any administrative and legislative rec-  
 2 ommendations to address any deployment bar-  
 3 riers identified under the study.

4 **SEC. 2312. BULK-POWER SYSTEM RELIABILITY IMPACT**  
 5 **STATEMENT.**

6 Section 215 of the Federal Power Act (16 U.S.C.  
 7 824o) is amended by adding at the end the following:

8 “(1) RELIABILITY IMPACT STATEMENT.—

9 “(1) SOLICITATION BY COMMISSION.—Not later  
 10 than 15 days after the date on which the head of a  
 11 Federal agency proposes a major rule (as defined in  
 12 section 804 of title 5, United States Code) that may  
 13 significantly affect the reliable operation of the bulk-  
 14 power system, the Commission shall solicit from the  
 15 ERO, who shall coordinate with regional entities af-  
 16 fected by the proposed rule, a reliability impact  
 17 statement with respect to the proposed rule.

18 “(2) REQUIREMENTS.—A reliability impact  
 19 statement under paragraph (1) shall include a de-  
 20 tailed statement on—

21 “(A) the impact of the proposed rule on  
 22 the reliable operation of the bulk-power system;

23 “(B) any adverse effects on the reliable op-  
 24 eration of the bulk-power system if the pro-  
 25 posed rule was implemented; and

1           “(C) alternatives to cure the identified ad-  
2           verse reliability impacts, including a no-action  
3           alternative.

4           “(3) SUBMISSION TO COMMISSION AND CON-  
5           GRESS.—On completion of a reliability impact state-  
6           ment under paragraph (1), the ERO shall submit to  
7           the Commission and Congress the reliability impact  
8           statement.

9           “(4) TRANSMITTAL TO HEAD OF FEDERAL  
10          AGENCY.—On receipt of a reliability impact state-  
11          ment submitted to the Commission under paragraph  
12          (3), the Commission shall transmit to the head of  
13          the applicable Federal agency the reliability impact  
14          statement prepared under this subsection for inclu-  
15          sion in the public record.

16          “(5) INCLUSION OF DETAILED RESPONSE IN  
17          FINAL RULE.—With respect to a final major rule  
18          subject to a reliability impact statement prepared  
19          under paragraph (1), the head of the Federal agency  
20          shall—

21                 “(A) consider the reliability impact state-  
22                 ment;

23                 “(B) give due weight to the technical ex-  
24                 pertise of the ERO with respect to matters that

1 are the subject of the reliability impact state-  
 2 ment; and

3 “(C) include in the final rule a detailed re-  
 4 sponse to the reliability impact statement that  
 5 reasonably addresses the detailed statements re-  
 6 quired under paragraph (2).”.

7 **SEC. 2313. REPORT BY TRANSMISSION ORGANIZATIONS ON**  
 8 **DIVERSITY OF SUPPLY.**

9 (a) DEFINITIONS.—In this section:

10 (1) ELECTRIC GENERATING CAPACITY RE-  
 11 SOURCE.—

12 (A) IN GENERAL.—The term “electric gen-  
 13 erating capacity resource” means an electric  
 14 generating resource, as measured by the max-  
 15 imum load-carrying ability of the resource, ex-  
 16 clusive of station use and planned, unplanned,  
 17 or other outage or derating subject to dispatch  
 18 by the transmission organization to meet the re-  
 19 source adequacy needs of the systems operated  
 20 by the transmission organization.

21 (B) EFFECT.—The term “electric gener-  
 22 ating capacity resource” does not address non-  
 23 electric generating resources that are qualified  
 24 as capacity resources in the tariffs of various

1 transmission organizations as of the date of en-  
2 actment of this Act.

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

7 (b) REPORT.—

8 (1) NOTICE.—Not later than 14 days after the  
9 date of enactment of this Act, the Commission (as  
10 the term is defined in section 3 of the Federal  
11 Power Act (16 U.S.C. 796)) shall submit to each  
12 transmission organization that has a tariff on file  
13 with the Commission that includes provisions ad-  
14 dressing the procurement of electric generating ca-  
15 pacity resources, a notice that the transmission or-  
16 ganization is required to file with the Commission a  
17 report in accordance with paragraph (2).

18 (2) REPORT.—Not later than 180 days after  
19 the date on which a transmission organization re-  
20 ceives a notice under paragraph (1), the trans-  
21 mission organization shall submit to the Commission  
22 a report that, to the maximum extent practicable—

23 (A)(i) identifies electric generating capac-  
24 ity resources that are available to the trans-

mission organization as of the date of the report; and

(ii) describes the primary energy sources and operational characteristics of electric capacity resources available, in the aggregate, to the transmission organization;

(B) evaluates, using generally accepted metrics, the current operational performance, in the aggregate, of electric capacity resources;

(C) identifies, for the aggregate of electric generating capacity resources available to the transmission organization—

(i) over the short- and long-term periods in the planning cycle of the transmission organization, reasonable projections concerning the operational and economic risk profile of electric generating capacity resources;

(ii) the projected future needs of the transmission organization for electric generating capacity resources; and

(iii) the availability of transmission facilities and transmission support services necessary to provide for the transmission organization reasonable assurances of es-



1           sential reliability services, including ade-  
2           quate voltage support; and

3           (D) assesses whether and to what extent  
4           the market rules of the transmission organiza-  
5           tion—

6                   (i) yield capacity auction clearing  
7                   prices that promote necessary and prudent  
8                   investment;

9                   (ii) yield energy market clearing  
10                  prices that reflect the marginal cost of  
11                  supply, taking into account transmission  
12                  constraints and other factors needed to en-  
13                  sure reliable grid operation;

14                  (iii) produce meaningful price signals  
15                  that clearly indicate where new supply and  
16                  investment are needed;

17                  (iv) reduce uncertainty or instability  
18                  resulting from changes to market rules,  
19                  processes, or protocols;

20                  (v) promote transparency and commu-  
21                  nication by the market operator to market  
22                  participants;

23                  (vi) support a diverse generation port-  
24                  folio and the availability of transmission  
25                  facilities and transmission support services

on a short- and long-term basis necessary to provide reasonable assurances of a continuous supply of electricity for customers of the transmission organization at the proper voltage and frequency; and

(vii) provide an enhanced opportunity for self-supply of electric generating capacity resources by electric cooperatives, Federal power marketing agencies, and State utilities with a service obligation (as those terms are defined in section 217(a)) of the Federal Power Act (16 U.S.C. 824q(a))) in a manner that is consistent with traditional utility business models and does not unduly affect wholesale market prices.

**SEC. 2314. TECHNOLOGY DEMONSTRATION ON THE DISTRIBUTION SYSTEM.**

(a) IN GENERAL.—The Secretary shall establish a grant program to carry out eligible projects related to the modernization of the electric grid, including the application of technologies to improve observability, advanced controls, and prediction of system performance on the distribution system.

(b) ELIGIBLE PROJECTS.—To be eligible for a grant under subsection (a), a project shall—

(1) be designed to improve the performance and efficiency of the future electric grid, while ensuring the continued provision of safe, secure, reliable, and affordable power;

(2) demonstrate—

(A) secure integration and management of 2 or more energy resources, including distributed energy generation, combined heat and power, microgrids, energy storage, electric vehicles, energy efficiency, demand response, and intelligent loads; and

(B) secure integration and interoperability of communications and information technologies; and

(3) be subject to the requirements of section 545(a) of the Energy Security and Independence Act of 2007 (42 U.S.C. 17155(a)).

## TITLE III—SUPPLY

### Subtitle A—Renewables

#### PART I—HYDROELECTRIC

#### SEC. 3001. FEDERAL POWER ACT AMENDMENTS.

(a) HYDROPOWER REGULATORY IMPROVEMENTS.—

(1) SENSE OF CONGRESS ON USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

1 (A) hydropower is a renewable resource for  
 2 purposes of all Federal programs and is an es-  
 3 sential source of energy in the United States;  
 4 and

5 (B) the United States should increase sub-  
 6 stantially the capacity and generation of clean,  
 7 renewable hydropower resources that would im-  
 8 prove environmental quality in the United  
 9 States.

10 (2) MODIFYING DEFINITION OF RENEWABLE  
 11 ENERGY TO INCLUDE HYDROPOWER.—Section 203  
 12 of the Energy Policy Act of 2005 (42 U.S.C. 15852)  
 13 is amended—

14 (A) in subsection (a), by striking “the fol-  
 15 lowing amounts” and all that follows through  
 16 paragraph (3) and inserting “not less than 15  
 17 percent in fiscal year 2018 and each fiscal year  
 18 thereafter shall be renewable energy.”; and

19 (B) in subsection (b), by striking para-  
 20 graph (2) and inserting the following:

21 “(2) RENEWABLE ENERGY.—The term ‘renew-  
 22 able energy’ means energy produced from solar,  
 23 wind, biomass, landfill gas, ocean (including tidal,  
 24 wave, current, and thermal), geothermal, municipal  
 25 solid waste, or hydropower.”.

1           (3) LICENSES FOR CONSTRUCTION.—Section  
 2           4(e) of the Federal Power Act (16 U.S.C. 797(e)) is  
 3           amended in the first sentence by striking “deem” in  
 4           the first proviso and all that follows through “*Pro-*  
 5           *vided further*, That no license” in the second proviso  
 6           and inserting “determine to be necessary for the  
 7           adequate protection and utilization of such reserva-  
 8           tion: *Provided further*, That no license”.

9           (4) PRELIMINARY PERMITS.—Section 5 of the  
 10          Federal Power Act (16 U.S.C. 798) is amended—

11                 (A) in subsection (a), by striking “three”  
 12                 and inserting “4”; and

13                 (B) in subsection (b)—

14                         (i) by striking “Commission may ex-  
 15                         tend the period of a preliminary permit  
 16                         once for not more than 2 additional years  
 17                         beyond the 3 years” and inserting the fol-  
 18                         lowing: “Commission may—

19                                 “(1) extend the period of a preliminary permit  
 20                                 once for not more than 4 additional years beyond  
 21                                 the 4 years”;

22                                 (ii) by striking the period at the end  
 23                                 and inserting “; and”; and

24                                 (iii) by adding at the end the fol-  
 25                                 lowing:

1           “(2) after the end of an extension period grant-  
 2           ed under paragraph (1), issue an additional permit  
 3           to the permittee if the Commission determines that  
 4           there are extraordinary circumstances that warrant  
 5           the issuance of the additional permit.”.

6           (5) TRANSFERS.—Section 7 of the Federal  
 7           Power Act (16 U.S.C. 800) is amended by adding at  
 8           the end the following:

9           “(d) TRANSFERS.—Notwithstanding section 5, and  
 10          regardless of whether the holder of a preliminary permit  
 11          for a closed-loop pumped storage project (as defined under  
 12          section 6(e)) of the Hydropower Regulatory Efficiency Act  
 13          of 2013 (16 U.S.C. 797 note; Public Law 113–23))  
 14          claimed municipal preference under subsection (a) when  
 15          obtaining the permit, on request by a municipality, the  
 16          Commission, to facilitate development of a closed-loop  
 17          pumped storage project, may—

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

20               “(2) transfer a license in part to 1 or more  
 21               nonmunicipal entities as co-licensees with a munici-  
 22               pality.”.

23           (6) TIME LIMIT FOR CONSTRUCTION OF  
 24           PROJECT WORKS.—Section 13 of the Federal Power  
 25           Act (16 U.S.C. 806) is amended in the second sen-

1 tence by striking “once but not longer than two ad-  
 2 ditional years” and inserting “for not more than 8  
 3 additional years,”.

4 (7) OPERATION OF NAVIGATION FACILITIES.—  
 5 Section 18 of the Federal Power Act (16 U.S.C.  
 6 811) is amended by striking the second, third, and  
 7 fourth sentences.

8 (8) ALTERNATIVE CONDITIONS AND PRESCRIP-  
 9 TIONS.—Section 33 of the Federal Power Act (16  
 10 U.S.C. 823d) is amended—

11 (A) in subsection (a)—

12 (i) in paragraph (1), by striking  
 13 “deems” and inserting “determines”;

14 (ii) in paragraph (2)(B), in the matter  
 15 preceding clause (i), by inserting “deter-  
 16 mined to be necessary” before “by the Sec-  
 17 retary”;

18 (iii) by striking paragraph (4); and

19 (iv) by striking paragraph (5);

20 (B) in subsection (b)—

21 (i) by striking paragraph (4); and

22 (ii) by striking paragraph (5); and

23 (C) by adding at the end the following:

1       “(c) FURTHER CONDITIONS.—This section applies to  
2 any further conditions or prescriptions proposed or im-  
3 posed pursuant to section 4(e), 6, or 18.”.

4       (b) PROTECTION OF PRIVATE PROPERTY RIGHTS IN  
5 HYDROPOWER LICENSING.—

6           (1) LICENSES.—Section 4(e) of the Federal  
7 Power Act (16 U.S.C. 797(e)) is amended, in the  
8 third sentence—

9               (A) by striking “and” after “recreational  
10 opportunities,”; and

11              (B) by inserting “, and minimizing in-  
12 fringement on the useful exercise and enjoy-  
13 ment of property rights held by nonlicensees”  
14 after “aspects of environmental quality”.

15       (2) PRIVATE LANDOWNERSHIP.—Section 10 of  
16 the Federal Power Act (16 U.S.C. 803) is amend-  
17 ed—

18              (A) in subsection (a)(1), by inserting “, in-  
19 cluding minimizing infringement on the useful  
20 exercise and enjoyment of property rights held  
21 by nonlicensees” after “section 4(e)”; and

22              (B) by adding at the end the following:

23       “(k) PRIVATE LANDOWNERSHIP.—In developing any  
24 recreational resource within the project boundary, the li-



1 censee shall consider private landownership as a means to  
 2 encourage and facilitate—

3 “(1) private investment; and

4 “(2) increased tourism and recreational use.”.

5 (c) LICENSING PROCESS IMPROVEMENTS AND CO-  
 6 ORDINATION.—Part I of the Federal Power Act (16  
 7 U.S.C. 792 et seq.) is amended by adding at the end the  
 8 following:

9 **“SEC. 34. LICENSING PROCESS IMPROVEMENTS.**

10 “(a) LICENSE STUDIES.—

11 “(1) IN GENERAL.—To facilitate the timely and  
 12 efficient completion of the license proceedings under  
 13 this part, the Commission, in consultation with ap-  
 14 plicable Federal and State agencies and interested  
 15 members of the public, shall—

16 “(A) compile current best practices in per-  
 17 forming studies required in such license pro-  
 18 ceedings, including methodologies and the de-  
 19 sign of studies to assess the full range of envi-  
 20 ronmental impacts of a project that reflect the  
 21 best available science;

22 “(B) compile a comprehensive collection of  
 23 studies and data accessible to the public that  
 24 could be used to inform license proceedings; and

1           “(C) encourage license applicants and  
2           agencies to develop and use, for the purpose of  
3           fostering timely and efficient consideration of li-  
4           cense applications, a limited number of open-  
5           source methodologies and tools applicable across  
6           a wide array of projects, including water bal-  
7           ance models and streamflow analyses.

8           “(2) USE OF EXISTING STUDIES.—To the max-  
9           imum extent practicable and in accordance with the  
10          best available science, the Commission and other  
11          Federal and State agencies considering an aspect of  
12          an application for Federal authorization (as defined  
13          in section 35(a)) shall—

14               “(A) use relevant existing studies and  
15               data; and

16               “(B) avoid duplicating current, existing  
17               studies that are applicable to the relevant  
18               project.

19          “(3) BIOLOGICAL OPINIONS.—To the maximum  
20          extent practicable, the Secretary of Commerce and  
21          the Secretary of the Interior shall ensure that rel-  
22          evant offices within the National Marine Fisheries  
23          Service and the United States Fish and Wildlife  
24          Service prepare any biological opinion under section  
25          7 of the Endangered Species Act of 1973 (16 U.S.C.

1       1536) that forms the basis for a prescription under  
 2       section 18 on a concurrent rather than sequential  
 3       basis.

4       “(b) INTERAGENCY ROTATIONS.—

5               “(1) IN GENERAL.—Beginning not later than 1  
 6       year after the date of enactment of this section, the  
 7       Commission, the Secretary of Agriculture, the Sec-  
 8       retary of Commerce, and the Secretary of the Inte-  
 9       rior shall encourage greater interagency experience  
 10      among executive branch personnel on matters involv-  
 11      ing implementation of this part.

12              “(2) PERFORMANCE EVALUATIONS AND HIRING  
 13      QUALIFICATIONS.—The encouragement provided by  
 14      the Commission and the Secretaries under para-  
 15      graph (1) may include adding, for appropriate cat-  
 16      egories of positions, as determined by the Commis-  
 17      sion and the Secretaries, participation and willing-  
 18      ness to participate in interagency rotational service  
 19      as—

20                      “(A) factors in annual performance evalua-  
 21                      tions; and

22                      “(B) hiring qualifications.

23      “(c) CONSIDERATIONS FOR RELICENSING TERMS.—

24              “(1) IN GENERAL.—In determining the term of  
 25      a new license issued when an existing license under

1       this part expires, the Commission shall take into  
2       consideration, among other things—

3               “(A) project-related investments by the li-  
4       censee under the new license; and

5               “(B) project-related investments by the li-  
6       censee over the term of the existing license.

7               “(2) EQUAL WEIGHT.—The determination of  
8       the Commission under paragraph (1) shall give  
9       equal weight to—

10              “(A) investments by the licensee to imple-  
11       ment the new license under this part, including  
12       investments relating to redevelopment, new con-  
13       struction, new capacity, efficiency, moderniza-  
14       tion, rehabilitation, safety improvements, and  
15       environmental, recreation, and other protection,  
16       mitigation, or enhancement measures required  
17       or authorized by the new license; and

18              “(B) investments by the licensee over the  
19       term of the existing license (including any  
20       terms under annual licenses) beyond the invest-  
21       ments required by the license on issuance of the  
22       license that—

23              “(i) resulted in redevelopment, new  
24       construction, new capacity, efficiency, mod-  
25       ernization, rehabilitation, safety improve-

1                   ments, and environmental, recreation, and  
 2                   other protection, mitigation, or enhance-  
 3                   ment measures conducted over the term of  
 4                   the existing license; and

5                   “(ii) did not result in the extension of  
 6                   the term of the license by the Commission.

7   **“SEC. 35. LICENSING PROCESS COORDINATION.**

8           “(a) DEFINITION OF FEDERAL AUTHORIZATION.—In  
 9   this section, the term ‘Federal authorization’ means any  
 10 authorization required under Federal law (including any  
 11 license, permit, special use authorization, certification,  
 12 opinion, consultation, determination, or other approval)  
 13 with respect to—

14           “(1) a project licensed under section 4 or 15;  
 15       or

16           “(2) a facility exempted under—

17           “(A) section 30; or

18           “(B) section 405(d) of the Public Utility  
 19       Regulatory Policies Act of 1978 (16 U.S.C.  
 20       2705(d)).

21       “(b) DESIGNATION AS LEAD AGENCY.—

22           “(1) IN GENERAL.—The Commission shall act  
 23       as the lead agency for the purposes of coordinating  
 24       all applicable Federal authorizations and for the  
 25       purposes of complying with the National Environ-

1       mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
2       with respect to a Federal authorization.

3               “(2) OTHER AGENCIES.—Each Federal and  
4       State agency considering an aspect of an application  
5       for Federal authorization shall cooperate with the  
6       Commission.

7       “(c) SCHEDULE.—

8               “(1) TIMING FOR ISSUANCE.—It is the sense of  
9       Congress that all Federal authorizations required for  
10      a project or facility, including a license of the Com-  
11      mission, should be issued by the date that is 3 years  
12      after the date on which an application is considered  
13      to be complete by the Commission.

14              “(2) COMMISSION SCHEDULE.—

15               “(A) IN GENERAL.—The Commission, in  
16      accordance with the rule issued under subpara-  
17      graph (C), shall establish a case-by-case sched-  
18      ule for the issuance of all Federal authoriza-  
19      tions.

20               “(B) REQUIREMENTS.—In establishing the  
21      schedule under subparagraph (A), the Commis-  
22      sion shall—

23               “(i) consult and cooperate with the  
24      Federal and State agencies responsible for  
25      a Federal authorization;

1 “(ii) ensure the expeditious comple-  
2 tion of all proceedings relating to a Fed-  
3 eral authorization; and

4 “(iii) comply with applicable schedules  
5 established by Federal law with respect to  
6 a Federal authorization.

7 “(C) RULEMAKING.—

8 “(i) COMMISSION RULEMAKING TO ES-  
9 TABLISH PROCESS TO SET SCHEDULE.—

10 Not later than 180 days after the date of  
11 enactment of this section, the Commission,  
12 in consultation with the appropriate Fed-  
13 eral and State agencies and after providing  
14 for notice and public comment, shall issue  
15 a rule establishing a process for setting a  
16 schedule, to be applied on a case-by-case  
17 basis, for applications for Federal author-  
18 ization filed under this part.

19 “(ii) CONSIDERATIONS.—In issuing a  
20 rule under this subparagraph, the Commis-  
21 sion shall consider including guidelines so  
22 that the schedule for each Federal author-  
23 ization—

24 “(I) includes deadlines for ac-  
25 tions by—

1                   “(aa) any Federal or State  
2                   agency that may consider an as-  
3                   pect of an application for the  
4                   Federal authorization;

5                   “(bb) the applicant;

6                   “(cc) the Commission; and

7                   “(dd) other participants in a  
8                   proceeding;

9                   “(II) is developed in consultation  
10                  with the applicant and any Federal or  
11                  State agency that may consider an as-  
12                  pect of an application for the applica-  
13                  ble Federal authorization;

14                  “(III) provides an opportunity  
15                  for any Federal or State agency that  
16                  may consider an aspect of an applica-  
17                  tion for the applicable Federal author-  
18                  ization to identify and resolve issues  
19                  of concern;

20                  “(IV) complies with applicable  
21                  schedules established under Federal  
22                  and State law;

23                  “(V) ensures expeditious comple-  
24                  tion of all proceedings required under



1 Federal and State law, to the max-  
2 imum extent practicable;

3 “(VI) facilitates completion of  
4 Federal and State agency studies, re-  
5 views, and any other procedures re-  
6 quired prior to, or concurrent with,  
7 the preparation of the environmental  
8 document of the Commission required  
9 under the National Environmental  
10 Policy Act of 1969 (42 U.S.C. 4321  
11 et seq.), to the maximum extent prac-  
12 ticable; and

13 “(VII) provides a procedure for  
14 any modification to the schedule.

15 “(3) RESOLUTION OF INTERAGENCY DIS-  
16 PUTES.—If the Federal agency fails to adhere to the  
17 schedule established by the Commission under para-  
18 graph (2), or if the final condition of the Secretary  
19 of Agriculture under section 4(e) or prescription  
20 under section 18 has been unreasonably delayed in  
21 derogation of the schedule established under para-  
22 graph (2), or if a proposed alternative condition or  
23 prescription has been unreasonably denied, or if a  
24 final condition or prescription would be inconsistent  
25 with the purposes of this part or other applicable

1 law, the Commission may refer the matter to the Di-  
 2 rector of the Office of Management and Budget, act-  
 3 ing in consultation with the Chair of the Council on  
 4 Environmental Quality, as appropriate—

5 “(A) to ensure timely participation;

6 “(B) to ensure a timely decision;

7 “(C) to mediate the dispute; or

8 “(D) to refer the matter to the President.

9 “(d) APPLICATION PROCESSING.—

10 “(1) IN GENERAL.—Federal and State agencies  
 11 may allow an applicant seeking a Federal authoriza-  
 12 tion to fund a third-party contractor selected by the  
 13 Federal or State agency to assist in reviewing the  
 14 application.

15 “(2) DIRECT FUNDING FOR EXPEDITED CON-  
 16 sideration.—

17 “(A) IN GENERAL.—Beginning in fiscal  
 18 year 2018, a Federal or State agency may ac-  
 19 cept and expend funds contributed by a license  
 20 applicant seeking a Federal authorization to  
 21 carry out an activity that directly and meaning-  
 22 fully contributes to expediting the consideration  
 23 by the agency of the application.

24 “(B) RELATION TO EXISTING DISCRE-  
 25 tionary funds.—Any funds received by an

1           agency under this paragraph may be used only  
2           to carry out activities that would not otherwise  
3           occur within the same timeframe using discre-  
4           tionary funds provided in appropriations Acts.

5           “(3) CONSIDERATION OF COSTS.—Any costs as-  
6           sociated with a third-party contractor under para-  
7           graph (1), and any expenditure of funds received by  
8           an agency under paragraph (2), shall not be consid-  
9           ered costs of the United States for the administra-  
10          tion of this part under section 10(e).

11          “(4) EFFECT ON APPLICATION CONSIDER-  
12          ATION.—In carrying out this subsection, the Com-  
13          mission or an applicable agency shall ensure that the  
14          use of license applicant funds under paragraph (1)  
15          or (2) will not impact impartial decisionmaking with  
16          respect to the responsibilities of the agency, either  
17          substantively or procedurally, under this part or any  
18          other Federal law, consistent with the regulations  
19          for implementing the procedural provisions of the  
20          National Environmental Policy Act of 1969 (42  
21          U.S.C. 4321 et seq.) under parts 1500 through  
22          1508 of title 40, Code of Federal Regulations (or  
23          successor regulations).

24          “(5) VOLUNTARY FUNDING.—Nothing in this  
25          subsection requires or compels a license applicant—

1           “(A) to fund a third-party contractor  
2           under paragraph (1); or

3           “(B) to contribute direct funding for expedited consideration under paragraph (2).

5           “(6) EXISTING THIRD-PARTY CONTRACTS.—  
6           Nothing in this section affects any third-party contract in effect as of the date of enactment of this  
7           section under section 2403 of the Energy Policy Act  
8           of 1992 (16 U.S.C. 797d) (as in effect on the day  
9           before the date of enactment of this section).

11          “(7) ACCOUNTABILITY.—

12           “(A) REPORTS.—A Federal or State agency shall submit to the Commission for each fiscal year a report that describes the manner in  
13           which the agency used funds under this subsection during that fiscal year.

17           “(B) AUDITS.—The Comptroller General of the United States shall conduct periodic audits to ensure that Federal and State agencies  
18           use funds in accordance with this subsection.

21          “(e) CONSOLIDATED RECORD.—

22           “(1) IN GENERAL.—The Commission shall maintain official consolidated records of all license  
23           proceedings under this part.  
24

1           “(2) SUBMISSION OF RECOMMENDATIONS.—

2           Any Federal or State agency that is providing rec-  
3           ommendations with respect to a license proceeding  
4           under this part shall submit to the Commission for  
5           inclusion in the consolidated record relating to the li-  
6           cense proceeding maintained under paragraph (1)—

7                   “(A) the recommendations;

8                   “(B) the rationale for the recommenda-  
9           tions; and

10                  “(C) any supporting materials relating to  
11           the recommendations.

12           “(3) WRITTEN STATEMENT.—

13                  “(A) IN GENERAL.—In a case in which a  
14           Federal agency is making a determination with  
15           respect to a covered measure (as defined in sec-  
16           tion 36(a)), the head of the Federal agency  
17           shall include in the consolidated record a writ-  
18           ten statement demonstrating that the Federal  
19           agency gave equal consideration to the effects  
20           of the covered measure on—

21                   “(i) energy supply, distribution, cost,  
22           and use;

23                   “(ii) flood control;

24                   “(iii) navigation;

25                   “(iv) water supply; and

1 “(v) air quality and the preservation  
2 of other aspects of environmental quality.

3 “(B) INFORMATION FROM OTHER AGEN-  
4 CIES.—In preparing a written statement under  
5 subparagraph (A), the head of a Federal agency  
6 may make use of information produced or made  
7 available by other agencies with relevant exper-  
8 tise in the factors described in clauses (i)  
9 through (v) of that subparagraph.

10 “(f) CONDITIONS.—The Secretary of Agriculture  
11 shall not delegate the authority to require a condition  
12 under section 4(e), other than to the Chief of the Forest  
13 Service or the Under Secretary for Natural Resources and  
14 Environment.

15 “(g) INTERAGENCY COMMUNICATIONS.—

16 “(1) IN GENERAL.—Interagency cooperation in  
17 the preparation of environmental documents under  
18 the National Environmental Policy Act of 1969 (42  
19 U.S.C. 4321 et seq.) and interagency communica-  
20 tions relating to licensing process coordination under  
21 this section shall not—

22 “(A) be considered to be ex parte commu-  
23 nications under Commission rules; or

24 “(B) preclude an agency from partici-  
25 pating in a licensing proceeding under this part.

1           “(2) SEPARATION OF STAFF.—Notwithstanding  
 2       paragraph (1), to the extent the Commission deter-  
 3       mines necessary, the Commission may require Fed-  
 4       eral and State agencies participating as cooperating  
 5       agencies under the National Environmental Policy  
 6       Act of 1969 (42 U.S.C. 4321 et seq.) to demonstrate  
 7       a separation of staff cooperating with the Commis-  
 8       sion and staff that may participate in an interven-  
 9       tion in the applicable proceeding under this part.

10   **“SEC. 36. TRIAL-TYPE HEARINGS.**

11       “(a) DEFINITION OF COVERED MEASURE.—In this  
 12   section, the term ‘covered measure’ means—

13           “(1) a condition prescribed under section 4(e),  
 14       including an alternative condition proposed under  
 15       section 33(a);

16           “(2) fishways prescribed under section 18, in-  
 17       cluding an alternative prescription proposed under  
 18       section 33(b); or

19           “(3) any further condition or prescription pur-  
 20       suant to section 4(e), 6, or 18.

21       “(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—

22   The license applicant (including an applicant for a license  
 23   under section 15) and any party to the proceeding shall  
 24   be entitled to a determination on the record, after oppor-  
 25   tunity for a trial-type hearing of not more than 120 days,

1 on any disputed issues of material fact with respect to an  
2 applicable covered measure.

3 “(c) DEADLINE FOR REQUEST.—A request for a  
4 trial-type hearing under this section shall be submitted not  
5 later than 60 days after the date on which, as applicable—

6 “(1) the Secretary submits the condition under  
7 section 4(e) or prescription under section 18; or

8 “(2)(A) the Commission publishes notice of the  
9 intention to use the reserved authority of the Com-  
10 mission to order a further condition under section 6;  
11 or

12 “(B) the Secretary exercises reserved authority  
13 under the license to prescribe, submit, or revise any  
14 condition to a license under the first proviso of sec-  
15 tion 4(e) or fishway prescribed under section 18, as  
16 appropriate.

17 “(d) NO REQUIREMENT TO EXHAUST.—By electing  
18 not to request a trial-type hearing under subsection (c),  
19 a license applicant and any other party to a license pro-  
20 ceeding shall not be considered to have waived the right  
21 of the applicant or other party to raise any issue of fact  
22 or law in a non-trial-type proceeding, but no issue may  
23 be raised for the first time on rehearing or judicial review  
24 of the license decision of the Commission.

25 “(e) ADMINISTRATIVE LAW JUDGE.—



1           “(1) IN GENERAL.—All disputed issues of mate-  
2       rial fact raised by a party in a request for a trial-  
3       type hearing submitted under subsection (c) shall be  
4       determined in a single trial-type hearing to be con-  
5       ducted by an Administrative Law Judge within the  
6       Office of Administrative Law Judges and Dispute  
7       Resolution of the Commission, in accordance with  
8       the Commission rules of practice and procedure  
9       under part 385 of title 18, Code of Federal Regula-  
10      tions (or successor regulations), and within the time-  
11      frame established by the Commission for each li-  
12      cense proceeding (including a proceeding for a li-  
13      cense under section 15) under section 35(c).

14           “(2) REQUIREMENT.—The trial-type hearing  
15      shall include the opportunity—

16                   “(A) to undertake discovery; and

17                   “(B) to cross-examine witnesses.

18           “(f) STAY.—The Administrative Law Judge may im-  
19      pose a stay of a trial-type hearing under this section for  
20      a period of not more than 120 days to facilitate settlement  
21      negotiations relating to resolving the disputed issues of  
22      material fact with respect to the covered measure.

23           “(g) DECISION OF ADMINISTRATIVE LAW JUDGE.—

24                   “(1) CONTENTS.—The decision of the Adminis-  
25      trative Law Judge shall contain—

1           “(A) findings of fact on all disputed issues  
2           of material fact;

3           “(B) conclusions of law necessary to make  
4           the findings of fact, including rulings on mate-  
5           riality and the admissibility of evidence; and

6           “(C) reasons for the findings and conclu-  
7           sions.

8           “(2) LIMITATION.—The decision of the Admin-  
9           istrative Law Judge shall not contain conclusions as  
10          to whether—

11          “(A) any condition or prescription should  
12          be adopted, modified, or rejected; or

13          “(B) any alternative condition or prescrip-  
14          tion should be adopted, modified, or rejected.

15          “(3) FINALITY.—A decision of an Administra-  
16          tive Law Judge under this section with respect to a  
17          disputed issue of material fact shall not be subject  
18          to further administrative review.

19          “(4) SERVICE.—The Administrative Law Judge  
20          shall serve the decision on each party to the hearing  
21          and forward the complete record of the hearing to  
22          the Commission and the Secretary that proposed the  
23          original condition or prescription.

24          “(h) SECRETARIAL DETERMINATION.—

1           “(1) IN GENERAL.—Not later than 60 days  
2       after the date on which the Administrative Law  
3       Judge issues the decision under subsection (g) and  
4       in accordance with the schedule established by the  
5       Commission under section 35(c), the Secretary pro-  
6       posing a condition under section 4(e) or a prescrip-  
7       tion under section 18 shall file with the Commission  
8       a final determination to adopt, modify, or withdraw  
9       any condition or prescription that was the subject of  
10      a hearing under this section, based on the decision  
11      of the Administrative Law Judge.

12           “(2) RECORD OF DETERMINATION.—The final  
13      determination of the Secretary filed with the Com-  
14      mission shall identify the reasons for the decision  
15      and any considerations taken into account that were  
16      not part of, or inconsistent with, the findings of the  
17      Administrative Law Judge and shall be included in  
18      the consolidated record in section 35(e).

19           “(i) LICENSING DECISION OF COMMISSION.—Not-  
20      withstanding sections 4(e) and 18, if the Commission finds  
21      that the final condition or prescription of the Secretary  
22      is inconsistent with the purposes of this part or other ap-  
23      plicable law, the Commission may refer the matter to the  
24      Director of the Office of Management and Budget, acting

1 in consultation with the Chair of the Council on Environ-  
 2 mental Quality, as appropriate, under section 35(c)(3).

3 “(j) JUDICIAL REVIEW.—The decision of the Admin-  
 4 istrative Law Judge and the record of determination of  
 5 the Secretary shall be included in the record of the appli-  
 6 cable licensing proceeding and subject to judicial review  
 7 of the final licensing decision of the Commission under  
 8 section 313(b).”.

9 **SEC. 3002. EVALUATION OF EXPEDITED LICENSING FOR**  
 10 **QUALIFIED PROJECT UPGRADES.**

11 (a) DEFINITION OF PROJECT.—In this section, the  
 12 term “project” has the meaning given the term in section  
 13 3 of the Federal Power Act (16 U.S.C. 796).

14 (b) EVALUATION.—The Federal Energy Regulatory  
 15 Commission (referred to in this part as the “Commis-  
 16 sion”) shall evaluate the potential to implement part I of  
 17 the Federal Power Act (16 U.S.C. 792 et seq.) more expe-  
 18 ditiously for qualified project upgrades described in sub-  
 19 section (c).

20 (c) QUALIFIED PROJECT UPGRADE DESCRIBED.—A  
 21 qualified project upgrade under subsection (b) shall be an  
 22 amendment to the existing license of a project that in-  
 23 volves changes that—

24 (1)(A) are limited to the powerhouse equipment  
 25 of the project; or

1 (B) would result in environmental protection,  
2 mitigation, or enhancement measures to benefit fish  
3 and wildlife resources or other natural and cultural  
4 resources; and

5 (2)(A) if carried out, would be unlikely—

6 (i) to adversely affect any species listed as  
7 threatened or endangered under the Endan-  
8 gered Species Act of 1973 (16 U.S.C. 1531 et  
9 seq.); or

10 (ii) to result in the destruction or adverse  
11 modification of critical habitat in accordance  
12 with section 7 of the Endangered Species Act of  
13 1973 (16 U.S.C. 1536);

14 (B) would be consistent with any applicable  
15 comprehensive plan under section 10(a) of the Fed-  
16 eral Power Act (16 U.S.C. 803(a));

17 (C) would result in insignificant environmental  
18 effects; and

19 (D) would be unlikely to adversely affect water  
20 quality and water supply.

21 (d) CHANGES TO POLICIES AND REGULATIONS.—

22 (1) IN GENERAL.—In carrying out the evalua-  
23 tion under subsection (b), the Commission may  
24 make the following changes to applicable policies and  
25 regulations:

1           (A) With respect to each type of qualified  
2 project upgrade described in subsection (c), es-  
3 tablishing a qualifying determination process  
4 consisting of the following steps:

5           (i) A license applicant shall file a no-  
6 tice of intent to amend an existing license  
7 of a project if the project is a qualified  
8 project upgrade described in subsection (c).

9           (ii) Not later than 15 days after re-  
10 ceipt of a notice of intent filed under  
11 clause (i), the Commission shall make an  
12 initial determination of whether the project  
13 is a qualified project upgrade under sub-  
14 section (c).

15           (iii) If the Commission makes an af-  
16 firmative initial determination under clause  
17 (ii), the Commission shall make available  
18 to the public the notice of intent filed  
19 under clause (i).

20           (iv) If any person contests the initial  
21 determination of the Commission under  
22 clause (ii) during the 45-day period fol-  
23 lowing the date on which the notice of in-  
24 tent is made publicly available under  
25 clause (iii), the Commission shall promptly

1 issue a written determination as to wheth-  
2 er the project is a qualified project up-  
3 grade under subsection (c).

4 (v) If no person contests the initial  
5 determination of the Commission under  
6 clause (ii) during the 45-day period fol-  
7 lowing the date on which the notice of in-  
8 tent is made publicly available under  
9 clause (iii), the project shall be considered  
10 to be a qualified project upgrade under  
11 subsection (c).

12 (B) With respect to a qualified project up-  
13 grade described in subsection (c), making the  
14 following changes to the application process, as  
15 applicable:

16 (i) If an application for an amend-  
17 ment to the existing license provides for  
18 the addition of a new generating unit, not  
19 automatically considering that addition by  
20 itself to be an amendment that involves ad-  
21 ditional capacity, as described in sections  
22 4.201(b) and 4.38(a)(6)(iv) of title 18,  
23 Code of Federal Regulations (as in effect  
24 on the date of enactment of this Act).

1                   (ii) Requiring fewer exhibits as part of  
 2                   the amendment application, as described in  
 3                   section 4.201(b) of title 18, Code of Fed-  
 4                   eral Regulations (as in effect on the date  
 5                   of enactment of this Act).

6                   (iii) Reviewing and updating, as nec-  
 7                   essary, the existing categorical exclusions  
 8                   described in section 380.4 of title 18, Code  
 9                   of Federal Regulations (as in effect on the  
 10                  date of enactment of this Act).

11                  (C) Such other changes with respect to  
 12                  qualified project upgrades as the Commission  
 13                  determines to be appropriate and in accordance  
 14                  with applicable law.

15                  (2) PUBLIC INPUT.—

16                  (A) EVALUATION.—In carrying out para-  
 17                  graph (1), the Commission shall hold—

18                          (i) 1 or more public workshops; and

19                          (ii) a public comment period.

20                  (B) POLICY OR REGULATORY CHANGES.—

21                  In carrying out paragraph (1), the Commission  
 22                  shall consider public comments before finalizing  
 23                  any change to policy or regulation.

24                  (e) SCHEDULE.—In carrying out this section, the  
 25                  Commission shall comply with the following schedule:



1           (1) Not later than 60 days after the date of en-  
2           actment of this Act, initiate the evaluation under  
3           subsection (b).

4           (2) Not later than 90 days after the date on  
5           which the evaluation is initiated under paragraph  
6           (1), hold 1 or more public workshops, as described  
7           in subsection (d)(2)(A).

8           (3) Not later than 120 days after the date on  
9           which the first public workshop is held under para-  
10          graph (2), complete a public comment period.

11          (4) Not later than 90 days after the date on  
12          which the public comment period is completed under  
13          paragraph (3), propose any changes to existing pol-  
14          icy or regulations.

15          (5) Not later than 90 days after the date on  
16          which any changes are proposed under paragraph  
17          (4), finalize any policy changes resulting from the  
18          evaluation under subsection (b).

19          (6) Not later than 1 year after proposing any  
20          changes to existing regulations under paragraph (4),  
21          finalize any changes to existing regulations resulting  
22          from the evaluation under subsection (b).

23          (f) EFFECT OF CHANGES.—Any changes to policy or  
24          regulations finalized by the Commission under this section  
25          shall seek to reduce the time required, as of the date of

1 enactment of this Act, for a qualified project upgrade de-  
 2 scribed in subsection (c) to receive a license amendment  
 3 under part I of the Federal Power Act (16 U.S.C. 792  
 4 et seq.).

5 **SEC. 3003. REGULATIONS TO ESTABLISH A 2-YEAR PROCESS**  
 6 **FOR CERTAIN NONPOWERED DAMS AND**  
 7 **CLOSED-LOOP PUMPED STORAGE PROJECTS.**

8 Section 6 of the Hydropower Regulatory Efficiency  
 9 Act of 2013 (16 U.S.C. 797 note; Public Law 113–23)  
 10 is amended by adding at the end the following:

11 “(e) REGULATIONS TO ESTABLISH 2-YEAR PROC-  
 12 ESS.—Not later than 180 days after the date of enactment  
 13 of the Energy and Natural Resources Act of 2017, the  
 14 Commission shall initiate proceedings to promulgate re-  
 15 vised regulations relating to the integrated licensing proc-  
 16 ess, alternative licensing process, or traditional licensing  
 17 process of the Commission, as the Commission determines  
 18 to be appropriate, to establish, based on the report issued  
 19 under subsection (d)(2), a 2-year process for original li-  
 20 censes at nonpowered dams in existence on the date of  
 21 enactment of the Energy and Natural Resources Act of  
 22 2017 or closed-loop pumped storage projects (as defined  
 23 by the Commission after the consideration of public com-  
 24 ments).”.

1 **SEC. 3004. REGIONWIDE PILOT PROGRAM.**

2 (a) IN GENERAL.—The Commission (as defined in  
3 section 3 of the Federal Power Act (16 U.S.C. 796)) shall  
4 establish a voluntary pilot program covering at least 1 re-  
5 gion in which the Commission, in consultation with the  
6 heads of other applicable Federal agencies, shall direct re-  
7 gionwide studies to inform subsequent project-level studies  
8 within each region.

9 (b) DESIGNATION.—Not later than 2 years after the  
10 date of enactment of this Act, if the conditions under sub-  
11 section (c) are met, the Commission, in consultation with  
12 the heads of other applicable Federal agencies, shall des-  
13 ignate 1 or more regions to be studied under this section.

14 (c) VOLUNTARY BASIS.—The Commission may only  
15 designate regions under subsection (b) in which every li-  
16 censee, on a voluntary basis and in writing, agrees—

17 (1) to be included in the pilot program; and

18 (2) to any cost-sharing arrangement with other  
19 licensees, to the extent the region contains projects  
20 owned or operated by more than 1 licensee, and ap-  
21 plicable Federal and State agencies with respect to  
22 conducting regionwide studies.

23 (d) SINGLE LICENSEE.—The Commission may des-  
24 ignate regions under subsection (b) that contain only  
25 projects owned or operated by a single licensee.

1 (e) SCALE.—The regions designated under subsection  
2 (b) shall—

3 (1) be at an adequately large scale to cover at  
4 least 3 existing projects that—

5 (A) are licensed under part I of the Fed-  
6 eral Power Act (16 U.S.C. 792 et seq.); and

7 (B) the licenses of which shall expire not  
8 later than 15 years after the date of enactment  
9 of this Act; and

10 (2) be likely to yield regionwide studies and in-  
11 formation that will significantly reduce the need for  
12 and scope of subsequent project-level studies and in-  
13 formation.

14 (f) REGIONWIDE STUDY SCOPE.—The Commission  
15 shall ensure that regionwide studies conducted under this  
16 section concentrate on information specifically relevant to  
17 license applications under part I of the Federal Power Act  
18 (16 U.S.C. 792 et seq.).

19 (g) PROJECT LICENSE TERMS.—The Commission  
20 may extend the term of any existing license within a region  
21 designated under subsection (b) by up to 8 years to pro-  
22 vide sufficient time for relevant regionwide studies to in-  
23 form subsequent project-level studies.

1 **SEC. 3005. PUMPED STORAGE HYDROPOWER.**

2 (a) REPORT ON PUMPED STORAGE HYDROPOWER  
3 BARRIERS.—

4 (1) IN GENERAL.—Not later than 270 days  
5 after the date of enactment of this Act, the Commis-  
6 sion shall submit to the Committee on Energy and  
7 Natural Resources of the Senate and the Committee  
8 on Energy and Commerce of the House of Rep-  
9 resentatives a report—

10 (A)(i) describing any barriers to the devel-  
11 opment and proper compensation of pumped  
12 storage hydropower projects and other energy  
13 storage facilities caused by—

14 (I) rules of Transmission Organiza-  
15 tions (as defined in section 3 of the Fed-  
16 eral Power Act (16 U.S.C. 796)); or

17 (II) regulations or policies—

18 (aa) of the Commission; or

19 (bb) under the Federal Power  
20 Act (16 U.S.C. 791a et seq.); and

21 (ii) containing recommendations of the  
22 Commission for reducing those barriers;

23 (B) identifying and determining any mar-  
24 ket, procurement, or cost recovery mechanisms  
25 that would—

1 (i) encourage development of pumped  
2 storage hydropower projects; and

3 (ii) properly compensate pumped stor-  
4 age hydropower projects for the full range  
5 of services provided to the electric grid, in-  
6 cluding—

7 (I) balancing electricity supply  
8 and demand;

9 (II) ensuring grid reliability; and

10 (III) integrating intermittent  
11 power sources into the grid in a cost-  
12 effective manner; and

13 (C) identifying ownership and development  
14 models that could reduce barriers to the devel-  
15 opment of pumped storage hydropower projects,  
16 including—

17 (i) opportunities for risk-sharing  
18 mechanisms and partnerships, including  
19 co-ownership models; and

20 (ii) opportunities to foster lease sale  
21 and lease-back arrangements with publicly  
22 owned electric utilities.

23 (2) CURRENT PROCEEDING.—The Commission  
24 shall base the report under paragraph (1) on the  
25 findings of the Commission in—

1 (A) Docket No. AD16-20-000; and

2 (B) any other relevant proceedings.

3 (b) TRADITIONAL LICENSING PROCESS TIMELINE.—

4 It is the sense of Congress that a license order of the Com-  
5 mission under part I of the Federal Power Act (16 U.S.C.  
6 792 et seq.) for a pumped storage project should be issued  
7 by the date that is 1 year after the date on which the  
8 Commission considers the application for the project to be  
9 complete if—

10 (1) the license applicant has filed a license ap-  
11 plication in accordance with subpart D of part 4 of  
12 title 18, Code of Federal Regulations (or successor  
13 regulations); and

14 (2) after carrying out an environmental assess-  
15 ment under the National Environmental Policy Act  
16 of 1969 (42 U.S.C. 4321 et seq.) for the project, the  
17 Commission concludes that no environmental impact  
18 statement under the National Environmental Policy  
19 Act of 1969 (42 U.S.C. 4321 et seq.) is necessary  
20 for the project.

21 **SEC. 3006. ANNUAL REPORTS.**

22 Part I of the Federal Power Act (16 U.S.C. 792 et  
23 seq.) (as amended by section 3001(c)) is amended by add-  
24 ing at the end the following:

1   **“SEC. 37. ANNUAL REPORTS.**

2       “(a) COMMISSION ANNUAL REPORT.—

3           “(1) IN GENERAL.—The Commission shall sub-  
4       mit to the Committee on Energy and Natural Re-  
5       sources of the Senate and the Committee on Energy  
6       and Commerce of the House of Representatives an  
7       annual report that—

8           “(A) describes and quantifies, for each li-  
9       censed, exempted, or proposed project under  
10      this part or section 405(d) of the Public Utility  
11      Regulatory Policies Act of 1978 (16 U.S.C.  
12      2705(d)) (referred to in this subsection as the  
13      ‘covered project’), the quantity of energy and  
14      capacity authorized for new development and  
15      reauthorized for continued operation during the  
16      reporting year, including an assessment of the  
17      economic, climactic, air quality, and other envi-  
18      ronmental benefits achieved by the new and re-  
19      authorized energy and capacity;

20          “(B) describes and quantifies the loss of  
21      energy, capacity, or ancillary services as a re-  
22      sult of any licensing action under this part or  
23      other requirement under Federal law during the  
24      reporting year;

25          “(C) identifies any application to license,  
26      relicense, or expand a covered project pending



1 as of the date of the annual report, including  
2 a quantification of the new energy and capacity  
3 with the potential to be gained or lost by action  
4 relating to the covered project; and

5 “(D) lists all proposed covered projects  
6 that, as of the date of the annual report, are  
7 subject to a preliminary permit issued under  
8 section 4(f), including a description of the  
9 quantity of new energy and capacity that would  
10 be achieved through the development of each  
11 proposed covered project.

12 “(2) AVAILABILITY.—The Commission shall es-  
13 tablish and maintain a publicly available website or  
14 comparable resource that tracks all information re-  
15 quired for the annual report under paragraph (1).

16 “(b) RESOURCE AGENCY ANNUAL REPORT.—

17 “(1) IN GENERAL.—Any Federal resource agen-  
18 cy that is participating in any Commission pro-  
19 ceeding under this part or that has responsibilities  
20 for any Federal authorization shall submit to the  
21 Committee on Energy and Natural Resources of the  
22 Senate and the Committee on Energy and Com-  
23 merce of the House of Representatives a report  
24 that—

1           “(A) describes each term, condition, or  
2           other requirement prepared by the resource  
3           agency during the reporting year with respect  
4           to a Commission proceeding under this part, in-  
5           cluding—

6                   “(i) an assessment of whether imple-  
7                   mentation of the term, condition, or other  
8                   requirement would result in the loss of en-  
9                   ergy, capacity, or ancillary services at the  
10                  project, including a quantification of the  
11                  losses;

12                  “(ii) an analysis of economic, air qual-  
13                  ity, climactic, and other environmental ef-  
14                  fects associated with implementation of the  
15                  term, condition, or other requirement;

16                  “(iii) a demonstration, based on evi-  
17                  dence in the record of the Commission,  
18                  that the resource agency prepared the  
19                  term, condition, or other requirement in a  
20                  manner that meets the policy established  
21                  by this part while discharging the respon-  
22                  sibilities of the resource agency under this  
23                  part or any other applicable requirement  
24                  under Federal law; and

1                   “(iv) a statement of whether the head  
2                   of the applicable Federal agency has ren-  
3                   dered final approval of the term, condition,  
4                   or other requirement, or whether the term,  
5                   condition, or other requirement remains a  
6                   preliminary recommendation of staff of the  
7                   resource agency; and

8                   “(B) identifies all pending, scheduled, and  
9                   anticipated proceedings under this part that, as  
10                  of the date of the annual report, the resource  
11                  agency expects to participate in, or has any ap-  
12                  proval or participatory responsibilities for under  
13                  Federal law, including—

14                 “(i) an accounting of whether the re-  
15                 source agency met all deadlines or other  
16                 milestones established by the resource  
17                 agency or the Commission during the re-  
18                 porting year; and

19                 “(ii) the specific plans of the resource  
20                 agency for allocating sufficient resources  
21                 for each project during the upcoming year.

22                 “(2) AVAILABILITY.—Any resource agency pre-  
23                 paring an annual report to Congress under para-  
24                 graph (1) shall establish and maintain a publicly

1       available website or comparable resource that tracks  
2       all information required for the annual report.”.

3   **SEC. 3007. SYNCHRONIZATION OF HYDROELECTRIC LI-**  
4                   **CENSING PROCESSES OF THE BUREAU OF**  
5                   **RECLAMATION AND THE FEDERAL ENERGY**  
6                   **REGULATORY COMMISSION.**

7       (a) IN GENERAL.—Not later than 180 days after the  
8       date of enactment of this Act, the Bureau of Reclamation  
9       and the Commission shall enter into a memorandum of  
10      understanding to synchronize, to the maximum extent  
11      practicable, the lease of power and privilege process and  
12      regulations of the Bureau and the licensing requirements  
13      of the Commission, relating to hydroelectric power for any  
14      project (as defined in section 3 of the Federal Power Act  
15      (16 U.S.C. 796)) that is subject, in whole or in part, to  
16      the jurisdiction of the Bureau of Reclamation and the  
17      Commission.

18      (b) MEMORANDUM OF UNDERSTANDING.—In enter-  
19      ing into the memorandum of understanding required  
20      under subsection (a), the Bureau of Reclamation and the  
21      Commission shall, to the maximum extent practicable—

22           (1) establish a process to facilitate timely li-  
23           censing and permitting of hydropower projects, in-  
24           cluding pumped storage hydroelectric projects;

1           (2) include a public workshop and comment pe-  
2       riod;

3           (3) consider a phased approach to synchronize  
4       processes for authorizing non-Federal pumped stor-  
5       age hydropower projects with an environmental re-  
6       view phase followed by an engineering and technical  
7       analysis phase; and

8           (4) consider a phased approach that allows in-  
9       cremental funding of a project by a developer.

10 **SEC. 3008. FEDERAL ENERGY REGULATORY COMMISSION**  
11 **PROJECTS.**

12       (a) GIBSON DAM.—

13           (1) IN GENERAL.—Notwithstanding the time  
14       period specified in section 13 of the Federal Power  
15       Act (16 U.S.C. 806) that would otherwise apply to  
16       the Federal Energy Regulatory Commission project  
17       numbered 12478–003, the Federal Energy Regu-  
18       latory Commission (referred to in this section as the  
19       “Commission”) may, at the request of the licensee  
20       for the project, and after reasonable notice, in ac-  
21       cordance with the good faith, due diligence, and pub-  
22       lic interest requirements of, and the procedures of  
23       the Commission under, that section, extend the time  
24       period during which the licensee is required to com-  
25       mence construction of the project for not more than

1       3 consecutive 2-year periods from the date of the ex-  
2       piration of the extension originally issued by the  
3       Commission.

4           (2) REINSTATEMENT OF EXPIRED LICENSE.—

5               (A) IN GENERAL.—If the period required  
6       for the commencement of construction of the  
7       project described in paragraph (1) has expired  
8       prior to the date of enactment of this Act, the  
9       Commission may reinstate the license effective  
10      as of that date of expiration.

11            (B) EXTENSION.—If the Commission rein-  
12      states the license under subparagraph (A), the  
13      first extension authorized under paragraph (1)  
14      shall take effect on the date of that expiration.

15       (b) CANNONSVILLE DAM.—

16           (1) IN GENERAL.—Notwithstanding the time  
17      period specified in section 13 of the Federal Power  
18      Act (16 U.S.C. 806) that would otherwise apply to  
19      the Commission project numbered 13287, the Com-  
20      mission may, at the request of the licensee for the  
21      project, and after reasonable notice, in accordance  
22      with the good faith, due diligence, and public inter-  
23      est requirements of that section and the procedures  
24      of the Commission under that section, extend the  
25      time period during which the licensee is required to

1 commence construction of the project for up to 4  
2 consecutive 2-year periods after the required date of  
3 the commencement of construction described in Arti-  
4 cle 301 of the license.

5 (2) REINSTATEMENT OF EXPIRED LICENSE.—

6 (A) IN GENERAL.—If the period required  
7 for the commencement of construction of the  
8 project described in paragraph (1) has expired  
9 prior to the date of enactment of this Act, the  
10 Commission may reinstate the license effective  
11 as of that date of expiration.

12 (B) EXTENSION.—If the Commission rein-  
13 states the license under subparagraph (A), the  
14 first extension authorized under paragraph (1)  
15 shall take effect on the date of that expiration.

16 (c) W. KERR SCOTT DAM.—

17 (1) IN GENERAL.—Notwithstanding the time  
18 period specified in section 13 of the Federal Power  
19 Act (16 U.S.C. 806) that would otherwise apply to  
20 the Commission project numbered 12642, the Com-  
21 mission may, at the request of the licensee for the  
22 project, and after reasonable notice, in accordance  
23 with the good faith, due diligence, and public inter-  
24 est requirements of that section and the procedures  
25 of the Commission under that section, extend the

1 time period during which the licensee is required to  
 2 commence the construction of the project for up to  
 3 3 consecutive 2-year periods from the date of the ex-  
 4 piration of the extension originally issued by the  
 5 Commission.

6 (2) REINSTATEMENT OF EXPIRED LICENSE.—If  
 7 the period required for commencement of construc-  
 8 tion of the project described in paragraph (1) has  
 9 expired prior to the date of enactment of this Act—

10 (A) the Commission may reinstate the li-  
 11 cense effective as of the date of the expiration  
 12 of the license; and

13 (B) the first extension authorized under  
 14 paragraph (1) shall take effect on that expira-  
 15 tion date.

16 (d) GATHRIGHT DAM.—

17 (1) IN GENERAL.—Notwithstanding the time  
 18 period specified in section 13 of the Federal Power  
 19 Act (16 U.S.C. 806) that would otherwise apply to  
 20 the Commission project numbered 12737, the Com-  
 21 mission may, at the request of the licensee for the  
 22 project, and after reasonable notice, in accordance  
 23 with the good faith, due diligence, and public inter-  
 24 est requirements of that section and the procedures  
 25 of the Commission under that section, extend the



1 time period during which the licensee is required to  
2 commence the construction of the project for up to  
3 3 consecutive 2-year periods from the date of the ex-  
4 piration of the extension originally issued by the  
5 Commission.

6 (2) REINSTATEMENT OF EXPIRED LICENSE.—If  
7 the period required for commencement of construc-  
8 tion of the project described in paragraph (1) has  
9 expired prior to the date of enactment of this Act—

10 (A) the Commission may reinstate the li-  
11 cense for the project effective as of the date of  
12 the expiration of the license; and

13 (B) the first extension authorized under  
14 paragraph (1) shall take effect on that expira-  
15 tion.

16 (e) FLANNAGAN DAM.—

17 (1) IN GENERAL.—Notwithstanding the time  
18 period specified in section 13 of the Federal Power  
19 Act (16 U.S.C. 806) that would otherwise apply to  
20 the Commission project numbered 12740, the Com-  
21 mission may, at the request of the licensee for the  
22 project, and after reasonable notice, in accordance  
23 with the good faith, due diligence, and public inter-  
24 est requirements of that section and the procedures  
25 of the Commission under that section, extend the

1 time period during which the licensee is required to  
 2 commence the construction of the project for up to  
 3 3 consecutive 2-year periods from the date of the ex-  
 4 piration of the extension originally issued by the  
 5 Commission.

6 (2) REINSTATEMENT OF EXPIRED LICENSE.—If  
 7 the period required for commencement of construc-  
 8 tion of a project described in paragraph (1) has ex-  
 9 pired prior to the date of enactment of this Act—

10 (A) the Commission may reinstate the li-  
 11 cense for the project effective as of the date of  
 12 the expiration of the license; and

13 (B) the first extension authorized under  
 14 paragraph (1) shall take effect on that expira-  
 15 tion.

16 (f) JENNINGS RANDOLPH DAM.—

17 (1) EXTENSION OF TIME.—Notwithstanding the  
 18 time period specified in section 13 of the Federal  
 19 Power Act (16 U.S.C. 806) that would otherwise  
 20 apply to the Commission project numbered 12715  
 21 (referred to in this subsection as the “project”), the  
 22 Commission may, at the request of the licensee for  
 23 the project, and after reasonable notice, in accord-  
 24 ance with the good faith, due diligence, and public  
 25 interest requirements of, and the procedures of the

Commission under, that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods that begin on the date of the expiration of the extension originally issued by the Commission.

(2) REINSTATEMENT OF EXPIRED LICENSE.—

(A) IN GENERAL.—If the period required for the commencement of construction of the project has expired before the date of enactment of this Act, the Commission may reinstate the license effective as of the date of the expiration of the license.

(B) EXTENSION.—If the Commission reinstates the license under subparagraph (A), the first extension authorized under paragraph (1) shall take effect on the date of that expiration.

(g) MAHONEY LAKE HYDROELECTRIC PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) LICENSE.—The term “license” means the license for the Commission project numbered 11393.

(B) LICENSEE.—The term “licensee” means the holder of the license.

1           (2) STAY OF LICENSE.—On the request of the  
2       licensee, the Commission shall issue an order con-  
3       tinuing the stay of the license.

4           (3) LIFTING OF STAY.—On the request of the  
5       licensee, but not later than 10 years after the date  
6       of enactment of this Act, the Commission shall—

7                 (A) issue an order lifting the stay of the li-  
8       cense under paragraph (2); and

9                 (B) make the effective date of the license  
10      the date on which the stay is lifted under sub-  
11      paragraph (A).

12          (4) EXTENSION OF LICENSE.—

13                (A) IN GENERAL.—Notwithstanding the  
14      time period specified in section 13 of the Fed-  
15      eral Power Act (16 U.S.C. 806) that would oth-  
16      erwise apply to the Commission project num-  
17      bered 11393, the Commission may, at the re-  
18      quest of the licensee, and after reasonable no-  
19      tice, in accordance with the good faith, due dili-  
20      gence, and public interest requirements of, and  
21      the procedures of the Commission under, that  
22      section, extend the time period during which  
23      the licensee is required to commence the con-  
24      struction of the project for not more than 3  
25      consecutive 2-year periods from the date of the

1           expiration of the extension originally issued by  
2           the Commission.

3                   (B) REINSTATEMENT OF EXPIRED LI-  
4           CENSE.—

5                   (i) IN GENERAL.—If the period re-  
6           quired for the commencement of construc-  
7           tion of the project described in subpara-  
8           graph (A) has expired prior to the date of  
9           enactment of this Act, the Commission  
10          may reinstate the license effective as of the  
11          date of the expiration of the license.

12                   (ii) EXTENSION.—If the Commission  
13          reinstates the license under clause (i), the  
14          first extension authorized under subpara-  
15          graph (A) shall take effect on the date of  
16          that expiration.

17                   (5) EFFECT.—Nothing in this subsection  
18          prioritizes, or creates any advantage or disadvantage  
19          to, Commission project numbered 11393 under Fed-  
20          eral law, including the Federal Power Act (16  
21          U.S.C. 791a et seq.) or the Public Utility Regulatory  
22          Policies Act of 1978 (16 U.S.C. 2601 et seq.), as  
23          compared to—

24                   (A) any electric generating facility in exist-  
25          ence on the date of enactment of this Act; or

1           (B) any electric generating facility that  
 2           may be examined, proposed, or developed dur-  
 3           ing the period of any stay or extension of the  
 4           license under this subsection.

5           (h) TERROR LAKE HYDROELECTRIC PROJECT  
 6 UPPER HIDDEN BASIN DIVERSION.—

7           (1) DEFINITIONS.—In this subsection:

8           (A) TERROR LAKE HYDROELECTRIC  
 9 PROJECT.—The term “Terror Lake Hydro-  
 10 electric Project” means the project identified in  
 11 section 1325 of the Alaska National Interest  
 12 Lands Conservation Act (16 U.S.C. 3212), and  
 13 which is the Commission project numbered  
 14 2743.

15           (B) UPPER HIDDEN BASIN DIVERSION EX-  
 16 PANSION.—The term “Upper Hidden Basin Di-  
 17 version Expansion” means the expansion of the  
 18 Terror Lake Hydroelectric Project as generally  
 19 described in exhibit E to the Upper Hidden  
 20 Basin Grant Application dated July 2, 2014,  
 21 and submitted to the Alaska Energy Authority  
 22 Renewable Energy Fund Round VIII by Kodiak  
 23 Electric Association, Inc.

24           (2) AUTHORIZATION.—The licensee for the Ter-  
 25 ror Lake Hydroelectric Project may occupy not more

1       than 20 acres of Federal land to construct, operate,  
 2       and maintain the Upper Hidden Basin Diversion  
 3       Expansion without further authorization of the Sec-  
 4       retary of the Interior or under the Alaska National  
 5       Interest Lands Conservation Act (16 U.S.C. 3101 et  
 6       seq.).

7           (3) SAVINGS CLAUSE.—The Upper Hidden  
 8       Basin Diversion Expansion shall be subject to ap-  
 9       propriate terms and conditions included in an  
 10      amendment to a license issued by the Commission  
 11      pursuant to the Federal Power Act (16 U.S.C. 791a  
 12      et seq.), including section 4(e) of that Act (16  
 13      U.S.C. 797(e)), following an environmental review  
 14      by the Commission under the National Environ-  
 15      mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

16 **SEC. 3009. STUDY OF SURRENDER OR TRANSFER OF LI-**  
 17 **CENSES FOR NONPOWERED SITES.**

18       Not later than 180 days after the date of enactment  
 19      of this Act, the Commission shall prepare and submit to  
 20      the Committee on Energy and Natural Resources of the  
 21      Senate and the Committee on Energy and Commerce of  
 22      the House of Representatives a report that—

23           (1) identifies the hydropower projects licensed  
 24      by the Commission that are located at a nonpowered

1 site that serves as storage to support downstream  
2 power generation;

3 (2) analyzes the value of electric power genera-  
4 tion associated with the projects identified under  
5 paragraph (1) relative to the value of nonpower gen-  
6 eration functions associated with the same projects,  
7 including recreational and environmental functions;

8 (3) describes the range of options that exist  
9 under law in effect on the date of enactment of this  
10 Act with respect to the surrender or transfer of a li-  
11 cense, including a representative range of actual  
12 measures required by the Commission of project  
13 owners that have surrendered or transferred a li-  
14 cense;

15 (4) identifies any barriers to the surrender or  
16 transfer of the licenses for the identified projects;  
17 and

18 (5) identifies costs incurred by licensees of the  
19 identified projects resulting from requirements im-  
20 posed by a Commission license, including applicable  
21 costs broken down by categories related to—

22 (A) the environment, including fish and  
23 wildlife measures;

24 (B) human safety;

25 (C) electric reliability;



- 1 (D) recreation;
- 2 (E) cultural resources;
- 3 (F) flood control;
- 4 (G) navigation;
- 5 (H) irrigation; and
- 6 (I) any other relevant category as deter-
- 7 mined by the Commission.

8 **SEC. 3010. HYDROELECTRIC PRODUCTION INCENTIVES**  
 9 **AND EFFICIENCY IMPROVEMENTS.**

10 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—  
 11 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.  
 12 15881) is amended—

13 (1) in subsection (c), by striking “10” and in-  
 14 serting “20”;

15 (2) in subsection (f), by striking “20” and in-  
 16 serting “30”; and

17 (3) in subsection (g), by striking “each of the  
 18 fiscal years 2006 through 2015” and inserting “each  
 19 of fiscal years 2018 through 2027”.

20 (b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—  
 21 Section 243(c) of the Energy Policy Act of 2005 (42  
 22 U.S.C. 15882(c)) is amended by striking “each of the fis-  
 23 cal years 2006 through 2015” and inserting “each of fis-  
 24 cal years 2018 through 2027”.

**PART II—GEOTHERMAL****SEC. 3011. GEOTHERMAL ENERGY.**

(a) SENSE OF CONGRESS REGARDING NATIONAL GOALS FOR PRODUCTION AND SITE IDENTIFICATION.—

It is the sense of Congress that, not later than 10 years after the date of enactment of this Act—

(1) the Secretary of the Interior shall seek to approve a significant increase in new geothermal energy capacity on public land across a geographically diverse set of States using the full range of available technologies; and

(2) the Secretary, acting through the Director of the United States Geological Survey, should identify sites capable of producing a total of 50,000 megawatts of geothermal power, using the full range of available technologies, through a program conducted in collaboration with industry, including cost-shared exploration drilling.

(b) FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

“(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30

1 U.S.C. 351 et seq.) that is subject to an approved  
 2 application for permit to drill and from which oil  
 3 and gas production is occurring may be available for  
 4 noncompetitive leasing under this section to the  
 5 holder of the oil and gas lease—

6 “(A) on a determination that—

7 “(i) geothermal energy will be pro-  
 8 duced from a well producing or capable of  
 9 producing oil and gas; and

10 “(ii) national energy security will be  
 11 improved by the issuance of such a lease;  
 12 and

13 “(B) to provide for the coproduction of  
 14 geothermal energy with oil and gas.”.

15 (c) NONCOMPETITIVE LEASING OF ADJOINING  
 16 AREAS FOR DEVELOPMENT OF GEOTHERMAL RE-  
 17 SOURCES.—Section 4(b) of the Geothermal Steam Act of  
 18 1970 (30 U.S.C. 1003(b)) (as amended by subsection (b))  
 19 is amended by adding at the end the following:

20 “(5) ADJOINING LAND.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) FAIR MARKET VALUE PER  
 23 ACRE.—The term ‘fair market value per  
 24 acre’ means a dollar amount per acre  
 25 that—

1 “(I) except as provided in this  
2 clause, shall be equal to the market  
3 value per acre (taking into account  
4 the determination under subparagraph  
5 (B)(iii) regarding a valid discovery on  
6 the adjoining land), as determined by  
7 the Secretary under regulations issued  
8 under this paragraph;

9 “(II) shall be determined by the  
10 Secretary with respect to a lease  
11 under this paragraph, by not later  
12 than the end of the 180-day period  
13 beginning on the date the Secretary  
14 receives an application for the lease;  
15 and

16 “(III) shall be not less than the  
17 greater of—

18 “(aa) 4 times the median  
19 amount paid per acre for all land  
20 leased under this Act during the  
21 preceding year; or

22 “(bb) \$50.

23 “(ii) INDUSTRY STANDARDS.—The  
24 term ‘industry standards’ means the stand-  
25 ards by which a qualified geothermal pro-

1           fessional assesses whether downhole or  
2           flowing temperature measurements with  
3           indications of permeability are sufficient to  
4           produce energy from geothermal resources,  
5           as determined through flow or injection  
6           testing or measurement of lost circulation  
7           while drilling.

8           “(iii) QUALIFIED FEDERAL LAND.—  
9           The term ‘qualified Federal land’ means  
10          land that is otherwise available for leasing  
11          under this Act.

12          “(iv) QUALIFIED GEOTHERMAL PRO-  
13          FESSIONAL.—The term ‘qualified geo-  
14          thermal professional’ means an individual  
15          who is an engineer or geoscientist in good  
16          professional standing with at least 5 years  
17          of experience in geothermal exploration,  
18          development, or project assessment.

19          “(v) QUALIFIED LESSEE.—The term  
20          ‘qualified lessee’ means a person that is el-  
21          igible to hold a geothermal lease under this  
22          Act (including applicable regulations).

23          “(vi) VALID DISCOVERY.—The term  
24          ‘valid discovery’ means a discovery of a  
25          geothermal resource by a new or existing

1 slim hole or production well, that exhibits  
2 downhole or flowing temperature measure-  
3 ments with indications of permeability that  
4 are sufficient to meet industry standards.

5 “(B) AUTHORITY.—An area of qualified  
6 Federal land that adjoins other land for which  
7 a qualified lessee holds a legal right to develop  
8 geothermal resources may be available for a  
9 noncompetitive lease under this section to the  
10 qualified lessee at the fair market value per  
11 acre, if—

12 “(i) the area of qualified Federal  
13 land—

14 “(I) consists of not less than 1  
15 acre and not more than 640 acres;  
16 and

17 “(II) is not already leased under  
18 this Act or nominated to be leased  
19 under subsection (a);

20 “(ii) the qualified lessee has not pre-  
21 viously received a noncompetitive lease  
22 under this paragraph in connection with  
23 the valid discovery for which data has been  
24 submitted under clause (iii)(I); and

1           “(iii) sufficient geological and other  
2           technical data prepared by a qualified geo-  
3           thermal professional has been submitted by  
4           the qualified lessee to the applicable Fed-  
5           eral land management agency that would  
6           lead individuals who are experienced in the  
7           subject matter to believe that—

8                       “(I) there is a valid discovery of  
9                       geothermal resources on the land for  
10                      which the qualified lessee holds the  
11                      legal right to develop geothermal re-  
12                      sources; and

13                     “(II) that thermal feature ex-  
14                     tends into the adjoining areas.

15                   “(C) DETERMINATION OF FAIR MARKET  
16           VALUE.—

17                   “(i) IN GENERAL.—The Secretary  
18                   shall—

19                       “(I) publish a notice of any re-  
20                       quest to lease land under this para-  
21                       graph;

22                       “(II) determine fair market value  
23                       for purposes of this paragraph in ac-  
24                       cordance with procedures for making  
25                       those determinations that are estab-

lished by regulations issued by the  
Secretary;

“(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

“(IV) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

“(ii) LIMITATION ON NOMINATION.—  
After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.



1                   “(iii) ANNUAL RENTAL.—For pur-  
2                   poses of section 5(a)(3), a lease awarded  
3                   under this paragraph shall be considered a  
4                   lease awarded in a competitive lease sale.

5                   “(D) REGULATIONS.—Not later than 270  
6                   days after the date of enactment of the Energy  
7                   and Natural Resources Act of 2017, the Sec-  
8                   retary shall issue regulations to carry out this  
9                   paragraph.”.

10           (d) REPORT TO CONGRESS.—Not later than 3 years  
11 after the date of enactment of this Act and not less fre-  
12 quently than once every 5 years thereafter, the Secretary  
13 of the Interior and the Secretary shall submit to Congress  
14 a report describing the progress made towards achieving  
15 the goals described in subsection (a).

16           (e) REAUTHORIZATION OF THE ADVANCED GEO-  
17 THERMAL ENERGY RESEARCH AND DEVELOPMENT ACT  
18 OF 2007.—Section 623 of the Advanced Geothermal En-  
19 ergy Research and Development Act of 2007 (42 U.S.C.  
20 17202) is amended by striking “2012” each place it ap-  
21 pears and inserting “2022”.

22           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out subsections (a)  
24 through (d) and the amendments made by those sub-

1 sections \$5,000,000 for each of fiscal years 2018 through  
2 2022.

3 **SEC. 3012. GEOTHERMAL EXPLORATION TEST PROJECTS.**

4 The Geothermal Steam Act of 1970 (30 U.S.C. 1001  
5 et seq.) is amended by adding at the end the following:

6 **“SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COVERED LAND.—The term ‘covered land’  
9 means land that is—

10 “(A) subject to geothermal leasing in ac-  
11 cordance with section 3; and

12 “(B) not excluded from the development of  
13 geothermal energy under—

14 “(i) a final land use plan established  
15 under the Federal Land Policy and Man-  
16 agement Act of 1976 (43 U.S.C. 1701 et  
17 seq.);

18 “(ii) a final land and resource man-  
19 agement plan established under the Forest  
20 and Rangeland Renewable Resources Plan-  
21 ning Act of 1974 (16 U.S.C. 1600 et seq.);

22 or

23 “(iii) any other applicable law.

24 “(2) SECRETARY CONCERNED.—The term ‘Sec-  
25 retary concerned’ means—

1           “(A) the Secretary of Agriculture (acting  
2           through the Chief of the Forest Service), with  
3           respect to National Forest System land; and

4           “(B) the Secretary, with respect to land  
5           managed by the Bureau of Land Management  
6           (including land held for the benefit of an Indian  
7           tribe).

8           “(b) NEPA REVIEW OF GEOTHERMAL EXPLORATION  
9   TEST PROJECTS.—

10           “(1) IN GENERAL.—An eligible activity de-  
11           scribed in paragraph (2) carried out on covered land  
12           shall be considered an action categorically excluded  
13           from the requirements for an environmental assess-  
14           ment or an environmental impact statement under  
15           the National Environmental Policy Act of 1969 (42  
16           U.S.C. 4321 et seq.) or section 1508.4 of title 40,  
17           Code of Federal Regulations (or a successor regula-  
18           tion), if—

19           “(A) the action is for the purpose of geo-  
20           thermal resource exploration operations; and

21           “(B) the action is conducted pursuant to  
22           this Act.

23           “(2) ELIGIBLE ACTIVITY.—An eligible activity  
24           referred to in paragraph (1) is—

1           “(A) a geophysical exploration activity that  
2           does not require drilling, including a seismic  
3           survey;

4           “(B) the drilling of a well to test or ex-  
5           plore for geothermal resources on land leased  
6           by the Secretary concerned for the development  
7           and production of geothermal resources that—

8                 “(i) is carried out by the holder of the  
9                 lease;

10                “(ii) causes—

11                         “(I) fewer than 5 acres of soil or  
12                         vegetation disruption at the location  
13                         of each geothermal exploration well;  
14                         and

15                        “(II) not more than an additional  
16                        5 acres of soil or vegetation disruption  
17                        during access or egress to the project  
18                        site;

19                        “(iii) is completed in fewer than 90  
20                        days, including the removal of any surface  
21                        infrastructure from the project site; and

22                        “(iv) requires the restoration of the  
23                        project site not later than 3 years after the  
24                        date of completion of the project to ap-

1                   proximately the condition that existed at  
2                   the time the project began, unless—

3                   “(I) the project site is subse-  
4                   quently used as part of energy devel-  
5                   opment on the lease; or

6                   “(II) the project—

7                   “(aa) yields geothermal re-  
8                   sources; and

9                   “(bb) the use of the geo-  
10                  thermal resources will be carried  
11                  out under another geothermal  
12                  generation project in existence at  
13                  the time of the discovery of the  
14                  geothermal resources; or

15                 “(C) the drilling of a well to test or explore  
16                 for geothermal resources on land leased by the  
17                 Secretary concerned for the development and  
18                 production of geothermal resources that—

19                 “(i) causes an individual surface dis-  
20                 turbance of fewer than 5 acres if—

21                 “(I) the total surface disturbance  
22                 on the leased land is not more than  
23                 150 acres; and

24                 “(II) a site-specific analysis has  
25                 been prepared under the National En-

1                    vironmental Policy Act of 1969 (42  
2                    U.S.C. 4321 et seq.);

3                    “(ii) involves the drilling of a geo-  
4                    thermal well at a location or well pad site  
5                    at which drilling has occurred within 5  
6                    years before the date of spudding the well;  
7                    or

8                    “(iii) involves the drilling of a geo-  
9                    thermal well in a developed field for  
10                   which—

11                   “(I) an approved land use plan  
12                   or any environmental document pre-  
13                   pared under the National Environ-  
14                   mental Policy Act of 1969 (42 U.S.C.  
15                   4321 et seq.) analyzed the drilling as  
16                   a reasonably foreseeable activity; and

17                   “(II) the land use plan or envi-  
18                   ronmental document was approved  
19                   within 10 years before the date of  
20                   spudding the well.

21                   “(3) LIMITATION BASED ON EXTRAORDINARY  
22                   CIRCUMSTANCES.—The categorical exclusion estab-  
23                   lished under paragraph (1) shall be subject to ex-  
24                   traordinary circumstances in accordance with the

1 Departmental Manual, 516 DM 2.3A(3) and 516  
2 DM 2, Appendix 2 (or successor provisions).

3 “(c) NOTICE OF INTENT; REVIEW AND DETERMINA-  
4 TION.—

5 “(1) REQUIREMENT TO PROVIDE NOTICE.—Not  
6 later than 30 days before the date on which drilling  
7 begins, a leaseholder intending to carry out an eligi-  
8 ble activity shall provide notice to the Secretary con-  
9 cerned.

10 “(2) REVIEW OF PROJECT.—Not later than 10  
11 days after receipt of a notice of intent provided  
12 under paragraph (1), the Secretary concerned  
13 shall—

14 “(A) review the project described in the  
15 notice and determine whether the project is an  
16 eligible activity; and

17 “(B)(i) if the project is an eligible activity,  
18 notify the leaseholder that under subsection (b),  
19 the project is considered a categorical exclusion  
20 under the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4321 et seq.) and section  
22 1508.4 of title 40, Code of Federal Regulations  
23 (or a successor regulation); or

24 “(ii) if the project is not an eligible activ-  
25 ity—

“(I) notify the leaseholder that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project;

“(II) include in that notification clear and detailed findings on any deficiencies in the project that prevent the application of subsection (b) to the project; and

“(III) provide an opportunity to the leaseholder to remedy the deficiencies described in the notification before the date on which the leaseholder plans to begin the project under paragraph (1).”.

### **PART III—MARINE HYDROKINETIC**

#### **SEC. 3021. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.**

Section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211) is amended in the matter preceding paragraph (1) by striking “electrical”.

#### **SEC. 3022. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.**

Section 633 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17212) is amended to read as follows:



1   **“SEC. 633. MARINE AND HYDROKINETIC RENEWABLE EN-**  
2                   **ERGY RESEARCH AND DEVELOPMENT.**

3           “The Secretary, in consultation with the Secretary of  
4 the Interior, the Secretary of Commerce, and the Federal  
5 Energy Regulatory Commission, shall carry out a program  
6 of research, development, and demonstration to accelerate  
7 the introduction of marine and hydrokinetic renewable en-  
8 ergy production into the United States energy supply, giv-  
9 ing priority to technologies most likely to lead to commer-  
10 cial utilization, while fostering accelerated research, devel-  
11 opment, and demonstration of technology, including pro-  
12 grams—

13           “(1) to assist technology development to im-  
14 prove the components, processes, and systems used  
15 for power generation from marine and hydrokinetic  
16 renewable energy resources;

17           “(2) to establish critical testing infrastructure  
18 necessary—

19           “(A) to cost effectively and efficiently test  
20 and prove marine and hydrokinetic renewable  
21 energy devices; and

22           “(B) to accelerate the technological readi-  
23 ness and commercialization of those devices;

24           “(3) to support efforts to increase the efficiency  
25 of energy conversion, lower the cost, increase the  
26 use, improve the reliability, and demonstrate the ap-

1 plicability of marine and hydrokinetic renewable en-  
2 ergy technologies by participating in demonstration  
3 projects;

4 “(4) to investigate variability issues and the ef-  
5 ficient and reliable integration of marine and  
6 hydrokinetic renewable energy with the utility grid;

7 “(5) to identify and study critical short- and  
8 long-term needs to create a sustainable marine and  
9 hydrokinetic renewable energy supply chain based in  
10 the United States;

11 “(6) to increase the reliability and survivability  
12 of marine and hydrokinetic renewable energy tech-  
13 nologies;

14 “(7) to verify the performance, reliability, main-  
15 tainability, and cost of new marine and hydrokinetic  
16 renewable energy device designs and system compo-  
17 nents in an operating environment, and consider the  
18 protection of critical infrastructure, such as ade-  
19 quate separation between marine and hydrokinetic  
20 devices and projects and submarine telecommuni-  
21 cations cables, including consideration of established  
22 industry standards;

23 “(8)(A) to coordinate the programs carried out  
24 under this section with, and avoid duplication of ac-  
25 tivities across, programs of the Department and

1 other applicable Federal agencies, including National  
2 Laboratories; and

3 “(B) to coordinate public-private collaboration  
4 in carrying out the programs under this section;

5 “(9) to identify opportunities for joint research  
6 and development programs and the development of  
7 economies of scale between—

8 “(A) marine and hydrokinetic renewable  
9 technologies; and

10 “(B) other renewable energy and fossil en-  
11 ergy programs, offshore oil and gas production  
12 activities, and activities of the Department of  
13 Defense;

14 “(10) to identify, in conjunction with the Sec-  
15 retary of Commerce, acting through the Under Sec-  
16 retary of Commerce for Oceans and Atmosphere,  
17 and other Federal agencies as appropriate, the po-  
18 tential environmental impacts, including potential  
19 impacts on fisheries and other marine resources, of  
20 marine and hydrokinetic renewable energy tech-  
21 nologies, measures to prevent adverse impacts, and  
22 technologies and other means available for moni-  
23 toring and determining environmental impacts;

24 “(11) to identify, in conjunction with the Sec-  
25 retary of the Department in which the United States

1 Coast Guard is operating, acting through the Com-  
2 mandant of the United States Coast Guard, the po-  
3 tential navigational impacts of marine and  
4 hydrokinetic renewable energy technologies and  
5 measures to prevent adverse impacts on navigation;  
6 and

7 “(12) to support in-water technology develop-  
8 ment with international partners using existing co-  
9 operative procedures (including memoranda of un-  
10 derstanding)—

11 “(A) to allow cooperative funding and  
12 other support of value to be exchanged and le-  
13 veraged; and

14 “(B) to encourage international research  
15 centers and international companies to partici-  
16 pate in the development of water technology in  
17 the United States and to encourage United  
18 States research centers and companies to par-  
19 ticipate in water technology projects abroad.”.

20 **SEC. 3023. NATIONAL MARINE RENEWABLE ENERGY RE-**  
21 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**  
22 **TION CENTERS.**

23 Section 634 of the Energy Independence and Security  
24 Act of 2007 (42 U.S.C. 17213) is amended by striking  
25 subsection (b) and inserting the following:

1       “(b) PURPOSES.—The Centers (including each Cen-  
2       ter that has been established as of the date of enactment  
3       of the Energy and Natural Resources Act of 2017) shall  
4       coordinate with the Department and the National Labora-  
5       tories—

6               “(1) to advance research, development, and  
7       demonstration of marine and hydrokinetic renewable  
8       energy technologies;

9               “(2) to support in-water testing and demonstra-  
10      tion of marine and hydrokinetic renewable energy  
11      technologies, including facilities capable of testing—

12               “(A) marine and hydrokinetic renewable  
13      energy systems of various technology readiness  
14      levels and scales;

15               “(B) a variety of technologies in multiple  
16      test berths at a single location; and

17               “(C) arrays of technology devices; and

18               “(3) to serve as information clearinghouses for  
19      the marine and hydrokinetic renewable energy indus-  
20      try by collecting and disseminating information on  
21      best practices in all areas relating to developing and  
22      managing marine and hydrokinetic renewable energy  
23      resources and energy systems.”.

1 **SEC. 3024. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 636 of the Energy Independence and Security  
3 Act of 2007 (42 U.S.C. 17215) is amended by striking  
4 “\$50,000,000 for each of the fiscal years 2008 through  
5 2012” and inserting “\$55,000,000 for each of fiscal years  
6 2018 and 2019 and \$60,000,000 for each of fiscal years  
7 2020 through 2022”.

8 **PART IV—THERMAL ENERGY**

9 **SEC. 3031. MODIFYING THE DEFINITION OF RENEWABLE**  
10 **ENERGY TO INCLUDE THERMAL ENERGY.**

11 (a) IN GENERAL.—Section 203 of the Energy Policy  
12 Act of 2005 (42 U.S.C. 15852) (as amended by section  
13 3001(a)(2)) is amended—

14 (1) in subsection (a), by inserting “a number  
15 equivalent to” before “the total amount of electric  
16 energy”;

17 (2) in subsection (b)—

18 (A) by redesignating paragraph (2) as  
19 paragraph (3);

20 (B) by inserting after paragraph (1) the  
21 following:

22 “(2) QUALIFIED WASTE HEAT RESOURCE.—The  
23 term ‘qualified waste heat resource’ means—

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

1 “(B) waste gas or industrial tail gas that  
2 would otherwise be flared, incinerated, or vent-  
3 ed;

4 “(C) a pressure drop in any gas for an in-  
5 dustrial or commercial process; or

6 “(D) such other forms of waste heat as the  
7 Secretary determines appropriate.”; and

8 (C) in paragraph (3) (as redesignated by  
9 subparagraph (A))—

10 (i) by striking “produced from” and  
11 inserting “produced or, if resulting from a  
12 thermal energy project placed in service  
13 after December 31, 2014, thermal energy  
14 generated from, or avoided by,”; and

15 (ii) by inserting “qualified waste heat  
16 resource,” after “municipal solid waste,”;  
17 and

18 (3) in subsection (c)—

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

22 (B) in the matter preceding subparagraph  
23 (A) (as so redesignated), by striking “For pur-  
24 poses” and inserting the following:

25 “(1) IN GENERAL.—For purposes”; and

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

2 “(2) SEPARATE CALCULATION.—

3 “(A) IN GENERAL.—For purposes of deter-  
4 mining compliance with the requirements of  
5 this section, any energy consumption that is  
6 avoided through the use of renewable energy  
7 shall be considered to be renewable energy pro-  
8 duced.

9 “(B) DENIAL OF DOUBLE BENEFIT.—  
10 Avoided energy consumption that is considered  
11 to be renewable energy produced under sub-  
12 paragraph (A) shall not also be counted for  
13 purposes of achieving compliance with another  
14 Federal energy efficiency goal.”.

15 (b) CONFORMING AMENDMENT.—Section 2410q(a)  
16 of title 10, United States Code, is amended by striking  
17 “section 203(b)(2) of the Energy Policy Act of 2005 (42  
18 U.S.C. 15852(b)(2))” and inserting “section 203(b) of the  
19 Energy Policy Act of 2005 (42 U.S.C. 15852(b))”.

## 20 **Subtitle B—Oil and Gas**

### 21 **SEC. 3101. METHANE HYDRATE RESEARCH AND DEVELOP-** 22 **MENT.**

23 Section 7 of the Methane Hydrate Research and De-  
24 velopment Act of 2000 (30 U.S.C. 2006) is amended to  
25 read as follows:



1 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out  
3 this Act \$35,000,000 for each of fiscal years 2018 through  
4 2022.”.

5 **SEC. 3102. LIQUEFIED NATURAL GAS STUDY.**

6 (a) STUDY.—

7 (1) IN GENERAL.—Not later than 1 year after  
8 the date of enactment of this Act, the Secretary, in  
9 consultation with the National Association of Regu-  
10 latory Utility Commissioners and the National Asso-  
11 ciation of State Energy Officials, shall conduct a  
12 study of the State, regional, and national implica-  
13 tions of exporting liquefied natural gas with respect  
14 to consumers and the economy.

15 (2) CONTENTS.—The study conducted under  
16 paragraph (1) shall include an analysis of—

17 (A) the economic impact that exporting liq-  
18 uefied natural gas will have in regions that cur-  
19 rently import liquefied natural gas;

20 (B) job creation in the manufacturing sec-  
21 tors; and

22 (C) such other issues as the Secretary con-  
23 siderers appropriate.

24 (b) REPORT TO CONGRESS.—Not later than 1 year  
25 after the date of enactment of this Act, the Secretary shall

1 submit to Congress a report on the results of the study  
 2 conducted under subsection (a).

3 **SEC. 3103. FERC PROCESS COORDINATION.**

4 (a) IN GENERAL.—Section 15 of the Natural Gas Act  
 5 (15 U.S.C. 717n) is amended—

6 (1) in subsection (a), by redesignating para-  
 7 graphs (1) and (2) as subparagraphs (A) and (B),  
 8 respectively, and indenting appropriately;

9 (2) by striking the section designation and  
 10 heading and all that follows through “‘Federal au-  
 11 thorization’—” and inserting the following:

12 **“SEC. 15. PROCESS COORDINATION; HEARINGS; RULES OF**  
 13 **PROCEDURE.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ENVIRONMENTAL REVIEW.—The term ‘en-  
 16 vironmental review’ means the agency procedures  
 17 and processes for applying a categorical exclusion or  
 18 for preparing an environmental assessment, an envi-  
 19 ronmental impact statement, or other document re-  
 20 quired under the National Environmental Policy Act  
 21 of 1969 (42 U.S.C. 4321 et seq.).

22 “(2) FEDERAL AUTHORIZATION.—The term  
 23 ‘Federal authorization’—”;

24 (3) in subsection (b), by striking paragraph (2)  
 25 and inserting the following:

1 “(2) OTHER AGENCIES.—

2 “(A) IN GENERAL.—Each Federal agency  
3 and State agency considering an aspect of an  
4 application for Federal authorization shall co-  
5 operate with the Commission and comply with  
6 the deadlines established by the Commission.

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

14 “(C) NOTIFICATION.—

15 “(i) IN GENERAL.—The Commission  
16 shall notify any agency identified under  
17 subparagraph (B) of the opportunity to co-  
18 operate or participate in the review proc-  
19 ess.

20 “(ii) DEADLINE.—A notification  
21 issued under clause (i) shall establish a  
22 deadline by which a response to the notifi-  
23 cation shall be submitted, which may be  
24 extended by the Commission for good  
25 cause.”;

1 (4) in subsection (c)—

2 (A) in paragraph (1)—

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

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

7 (iii) by inserting after subparagraph  
8 (A) the following:

9 “(B) set schedules for all such Federal au-  
10 thorizations; and”;

11 (B) by striking paragraph (2); and

12 (C) by adding at the end the following:

13 “(2) DEADLINE FOR FEDERAL AUTHORIZA-  
14 TIONS.—Unless a schedule is otherwise established  
15 by Federal law, a final decision on a Federal author-  
16 ization shall be due not later than 90 days after the  
17 agency has determined that an application is cat-  
18 egorically excluded under the National Environ-  
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
20 or the notice of availability of the final environ-  
21 mental impact statement or finding of no significant  
22 impact is made available to the affected public.

23 “(3) DEFERENCE TO COMMISSION.—In making  
24 a decision with respect to a Federal authorization,  
25 each agency shall give deference, to the maximum

1 extent authorized by law, to the scope of environ-  
2 mental review that the Commission determines to be  
3 appropriate.

4 “(4) CONCURRENT REVIEWS.—Pursuant to the  
5 schedule established under paragraph (1), each  
6 agency considering an aspect of an application for  
7 Federal authorization shall—

8 “(A) to the maximum extent authorized by  
9 law, carry out the obligations of that agency  
10 under applicable law concurrently and in con-  
11 junction with the environmental review, unless  
12 doing so would impair the ability of the agency  
13 to conduct needed analysis or otherwise carry  
14 out those obligations;

15 “(B) formulate and implement administra-  
16 tive, policy, and procedural mechanisms to en-  
17 able the agency to complete the required Fed-  
18 eral authorizations in accordance with the  
19 schedule described in paragraph (1); and

20 “(C) transmit to the Commission a state-  
21 ment—

22 “(i) acknowledging receipt of the  
23 schedule described in paragraph (1); and

24 “(ii) describing the plan formulated  
25 under subparagraph (B).

1 “(5) ISSUE IDENTIFICATION.—

2 “(A) Federal and State agencies that may  
3 consider an aspect of an application for Federal  
4 authorization shall identify, as early as possible,  
5 any issues of concern that may delay or prevent  
6 an agency from working with the Commission  
7 to resolve such issues and granting or denying  
8 such authorization.

9 “(B) The Commission may forward any  
10 issue of concern identified under subparagraph  
11 (A) to the heads of the relevant agencies (in-  
12 cluding, in the case of a failure by the State  
13 agency, the Federal agency overseeing the dele-  
14 gated authority) for resolution.

15 “(6) FAILURE TO MEET SCHEDULE.—If a Fed-  
16 eral or State agency does not complete a proceeding  
17 required for a Federal authorization in accordance  
18 with the schedule established by the Commission  
19 under paragraph (1)—

20 “(A) the applicant may pursue remedies  
21 under section 19(d); and

22 “(B) the head of the relevant Federal  
23 agency (including, in the case of a failure by a  
24 State agency, the Federal agency overseeing the  
25 delegated authority) shall notify Congress and

1           the Commission of such failure and set forth a  
2           recommended implementation plan to ensure  
3           completion of the proceeding.”;

4           (5) by redesignating subsections (d) through (f)  
5           as subsections (f) through (h), respectively; and

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

8           “(d) GEOMATIC DATA.—

9           “(1) IN GENERAL.—If a Federal or State de-  
10          partment or agency considering an aspect of an ap-  
11          plication for Federal authorization requires the ap-  
12          plicant to submit environmental data, the depart-  
13          ment or agency shall consider any such data sub-  
14          mitted by the applicant which was gathered by  
15          geomatic techniques, including tools and techniques  
16          used in land surveying, remote sensing, cartography,  
17          geographic information systems, global navigation  
18          satellite systems, photogrammetry, geophysics, geog-  
19          raphy, or other remote means. The applicable agency  
20          may grant conditional approval for Federal author-  
21          ization, conditioned on the verification of such data  
22          by subsequent onsite inspection.

23          “(2) APPLICABLE LAW.—Any geomatic data  
24          submitted as part of a Federal authorization shall

1 have been gathered in compliance with all applicable  
2 laws (including regulations).

3 “(e) ACCOUNTABILITY; TRANSPARENCY; EFFI-  
4 CIENCY.—

5 “(1) IN GENERAL.—For applications requiring  
6 multiple Federal authorizations, the Commission, in  
7 consultation with any agency considering an aspect  
8 of the application, shall track and make available to  
9 the public on the website of the Commission infor-  
10 mation relating to the actions required to complete  
11 permitting, reviews, and other requirements.

12 “(2) INCLUSIONS.—Information tracked under  
13 paragraph (1) shall include the following:

14 “(A) The schedule described in subsection  
15 (c).

16 “(B) A list of all the actions required by  
17 each applicable agency to complete permitting,  
18 reviews, and other requirements necessary to  
19 obtain a final decision on the Federal author-  
20 ization.

21 “(C) The expected completion date for  
22 each action listed under subparagraph (B).

23 “(D) A point of contact at the agency ac-  
24 countable for each action listed under subpara-  
25 graph (B).



1           “(E) In the event that an action is still  
2           pending as of the expected date of completion,  
3           a brief explanation of the reason for the  
4           delay.”.

5           (b) EFFECT.—Nothing in this section or the amend-  
6           ments made by this section prohibits the participation of  
7           an applicant in any other expedited permitting program.

8   **SEC. 3104. DEPARTMENT OF THE INTERIOR PILOT PRO-**  
9                           **GRAM.**

10          (a) ESTABLISHMENT.—The Secretary of the Interior,  
11          acting through the Director of the Bureau of Land Man-  
12          agement (referred to in this section as the “Director”),  
13          shall establish a pilot program in 1 State with at least  
14          2,000 oil and gas drilling spacing units (as defined under  
15          State law), in which—

16               (1) 25 percent or less of the minerals are owned  
17               or held in trust by the Federal Government; and

18               (2) there is no surface land owned or held in  
19               trust by the Federal Government.

20          (b) ACTIVITIES.—In carrying out the pilot program,  
21          the Director shall identify and implement ways to stream-  
22          line the review and approval of Applications for Permits  
23          to Drill for oil and gas drilling spacing units of the State  
24          in order to achieve a processing time for those oil and gas  
25          drilling spacing units similar to that of spacing units that

1 require an Application for Permit to Drill and are not part  
2 of the pilot program in the same State.

3 (c) FUNDING.—Beginning in fiscal year 2018, and  
4 for a period of 3 years thereafter, to carry out the pilot  
5 program efficiently, the Director may fund up to 10 full-  
6 time equivalents at appropriate field offices.

7 (d) REPORT.—Not later than 4 years after the date  
8 of enactment of this Act, the Director shall submit to Con-  
9 gress a report on the results of the pilot program.

10 (e) WAIVER.—The Secretary of the Interior may  
11 waive the requirement for an Application for Permit to  
12 Drill if the Director determines that the mineral interest  
13 of the United States in the spacing units in land covered  
14 by this section is adequately protected, if otherwise in ac-  
15 cordance with applicable laws, regulations, and lease  
16 terms.

17 **SEC. 3105. GAO REVIEW AND REPORT.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date of enactment of this Act, and annually thereafter for  
20 2 years, the Comptroller General of the United States  
21 shall conduct a review of—

- 22 (1) energy production in the United States; and  
23 (2) the effects, if any, of crude oil exports from  
24 the United States on consumers, independent refin-  
25 ers, and shipbuilding and ship repair yards.

1 (b) CONTENTS OF REPORT.—Not later than 1 year  
2 after commencing each review under subsection (a), the  
3 Comptroller General of the United States shall submit to  
4 the Committees on Energy and Natural Resources, Bank-  
5 ing, Housing, and Urban Affairs, Commerce, Science, and  
6 Transportation, and Foreign Relations of the Senate and  
7 the Committees on Natural Resources, Energy and Com-  
8 merce, Financial Services, and Foreign Affairs of the  
9 House of Representatives a report that includes—

10 (1) a statement of the principal findings of the  
11 review; and

12 (2) recommendations for Congress and the  
13 President to address any job loss in the shipbuilding  
14 and ship repair industry or adverse impacts on con-  
15 sumers and refiners that the Comptroller General of  
16 the United States attributes to unencumbered crude  
17 oil exports in the United States.

18 **SEC. 3106. ETHANE STORAGE STUDY.**

19 (a) IN GENERAL.—The Secretary and the Secretary  
20 of Commerce, in consultation with other relevant Federal  
21 departments and agencies and stakeholders, shall conduct  
22 a study of the feasibility of establishing an ethane storage  
23 and distribution hub in the Marcellus, Utica, and  
24 Rogersville shale plays in the United States.

1 (b) CONTENTS.—The study conducted under sub-  
2 section (a) shall include—

3 (1) an examination of, with respect to the pro-  
4 posed ethane storage and distribution hub—

5 (A) potential locations;

6 (B) economic feasibility;

7 (C) economic benefits;

8 (D) geological storage capacity capabilities;

9 (E) above-ground storage capabilities;

10 (F) infrastructure needs; and

11 (G) other markets and trading hubs, par-  
12 ticularly hubs relating to ethane; and

13 (2) the identification of potential additional  
14 benefits of the proposed hub to energy security.

15 (c) PUBLICATION OF RESULTS.—Not later than 2  
16 years after the date of enactment of this Act, the Sec-  
17 retary and the Secretary of Commerce shall—

18 (1) submit to the Committee on Energy and  
19 Commerce of the House of Representatives and the  
20 Committees on Energy and Natural Resources and  
21 Commerce, Science, and Transportation of the Sen-  
22 ate a report describing the results of the study  
23 under subsection (a); and

1           (2) publish those results on the Internet  
 2       websites of the Departments of Energy and Com-  
 3       merce, respectively.

4   **SEC. 3107. REPORT ON INCORPORATING INTERNET-BASED**  
 5                   **LEASE SALES.**

6       Not later than 180 days after the date of enactment  
 7   of this Act, the Secretary of the Interior shall submit to  
 8   Congress a report containing recommendations for the in-  
 9   corporation of Internet-based lease sales at the Bureau of  
 10   Land Management in accordance with section 17(b)(1)(C)  
 11   of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in  
 12   the event of an emergency or other disruption causing a  
 13   disruption to a sale.

14                   **Subtitle C—Helium**

15   **SEC. 3201. RIGHTS TO HELIUM.**

16       (a) DEFINITION OF HELIUM-RELATED PROJECT.—  
 17   The term “helium-related project” means a project—

18                   (1) to explore or produce crude helium; and

19                   (2) to sell crude or refined helium.

20       (b) EXPEDITED COMPLETION.—Notwithstanding any  
 21   other provision of law, applicable environmental reviews  
 22   under the National Environmental Policy Act of 1969 (42  
 23   U.S.C. 4321 et seq.) for helium-related projects shall be  
 24   completed on an expeditious basis and the shortest exist-

1 ing applicable process under that Act shall be used for  
2 such projects.

3 (c) REPEAL OF RESERVATION OF HELIUM  
4 RIGHTS.—The first section of the Mineral Leasing Act  
5 (30 U.S.C. 181) is amended by striking the flush text that  
6 follows the last undesignated subsection.

7 (d) RIGHTS TO HELIUM UNDER LEASES UNDER  
8 MINERAL LEASING ACT FOR ACQUIRED LANDS.—The  
9 Mineral Leasing Act for Acquired Lands (30 U.S.C. 351  
10 et seq.) is amended by adding at the end the following:  
11 **“SEC. 12. RIGHTS TO HELIUM.**

12 “Any lease issued under this Act that authorizes ex-  
13 ploration for, or development or production of, gas shall  
14 be considered to grant to the lessee a right of first refusal  
15 to engage in exploration for, and development and produc-  
16 tion of, helium on land that is subject to the lease in ac-  
17 cordance with regulations issued by the Secretary.”.

## 18 **Subtitle D—Critical Minerals**

### 19 **SEC. 3301. DEFINITIONS.**

20 In this subtitle:

21 (1) CRITICAL MINERAL.—

22 (A) IN GENERAL.—The term “critical min-  
23 eral” means any mineral, element, substance, or  
24 material designated as critical pursuant to sec-  
25 tion 3303.

1 (B) EXCLUSIONS.—The term “critical  
2 mineral” does not include—

3 (i) fuel minerals, including oil, natural  
4 gas, or any other fossil fuels; or

5 (ii) water, ice, or snow.

6 (2) CRITICAL MINERAL MANUFACTURING.—The  
7 term “critical mineral manufacturing” means—

8 (A) the exploration, development, mining,  
9 production, processing, refining, alloying, sepa-  
10 ration, concentration, magnetic sintering, melt-  
11 ing, or beneficiation of critical minerals within  
12 the United States;

13 (B) the fabrication, assembly, or produc-  
14 tion, within the United States, of equipment,  
15 components, or other goods with energy tech-  
16 nology-, defense-, agriculture-, consumer elec-  
17 tronics-, or health care-related applications; or

18 (C) any other value-added, manufacturing-  
19 related use of critical minerals undertaken with-  
20 in the United States.

21 (3) INDIAN TRIBE.—The term “Indian tribe”  
22 has the meaning given the term in section 4 of the  
23 Indian Self-Determination and Education Assistance  
24 Act (25 U.S.C. 5304).

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

3           (5) STATE.—The term “State” means—

4                   (A) a State;

5                   (B) the District of Columbia;

6                   (C) the Commonwealth of Puerto Rico;

7                   (D) Guam;

8                   (E) American Samoa;

9                   (F) the Commonwealth of the Northern  
10       Mariana Islands; and

11                   (G) the United States Virgin Islands.

12   **SEC. 3302. POLICY.**

13       (a) IN GENERAL.—Section 3 of the National Mate-  
14       rials and Minerals Policy, Research and Development Act  
15       of 1980 (30 U.S.C. 1602) is amended in the second sen-  
16       tence—

17               (1) by striking paragraph (3) and inserting the  
18       following:

19               “(3) establish an analytical and forecasting ca-  
20       pability for identifying critical mineral demand, sup-  
21       ply, and other factors to allow informed actions to  
22       be taken to avoid supply shortages, mitigate price  
23       volatility, and prepare for demand growth and other  
24       market shifts;”;



1           (2) in paragraph (6), by striking “and” after  
2           the semicolon at the end; and

3           (3) by striking paragraph (7) and inserting the  
4           following:

5           “(7) facilitate the availability, development, and  
6           environmentally responsible production of domestic  
7           resources to meet national material or critical min-  
8           eral needs;

9           “(8) avoid duplication of effort, prevent unnec-  
10          essary paperwork, and minimize delays in the ad-  
11          ministration of applicable laws (including regula-  
12          tions) and the issuance of permits and authoriza-  
13          tions necessary to explore for, develop, and produce  
14          critical minerals and to construct critical mineral  
15          manufacturing facilities in accordance with applica-  
16          ble environmental and land management laws;

17          “(9) strengthen—

18                 “(A) educational and research capabilities  
19                 at not lower than the secondary school level;  
20                 and

21                 “(B) workforce training for exploration  
22                 and development of critical minerals and critical  
23                 mineral manufacturing;

1 “(10) bolster international cooperation through  
 2 technology transfer, information sharing, and other  
 3 means;

4 “(11) promote the efficient production, use, and  
 5 recycling of critical minerals;

6 “(12) develop alternatives to critical minerals;  
 7 and

8 “(13) establish contingencies for the production  
 9 of, or access to, critical minerals for which viable  
 10 sources do not exist within the United States.”.

11 (b) CONFORMING AMENDMENT.—Section 2(b) of the  
 12 National Materials and Minerals Policy, Research and De-  
 13 velopment Act of 1980 (30 U.S.C. 1601(b)) is amended  
 14 by striking “(b) As used in this Act, the term” and insert-  
 15 ing the following:

16 “(b) DEFINITIONS.—In this Act:

17 “(1) CRITICAL MINERAL.—The term ‘critical  
 18 mineral’ means any mineral or element designated  
 19 as a critical mineral pursuant to section 3303 of the  
 20 Energy and Natural Resources Act of 2017.

21 “(2) MATERIALS.—The term”.

22 **SEC. 3303. CRITICAL MINERAL DESIGNATIONS.**

23 (a) DRAFT METHODOLOGY.—Not later than 90 days  
 24 after the date of enactment of this Act, the Secretary (act-  
 25 ing through the Director of the United States Geological

1 Survey) (referred to in this section as the “Secretary”),  
2 in consultation with relevant Federal agencies and enti-  
3 ties, shall publish in the Federal Register for public com-  
4 ment a draft methodology for determining which minerals  
5 qualify as critical minerals based on an assessment of  
6 whether the minerals are—

7 (1) subject to potential supply restrictions (in-  
8 cluding restrictions associated with foreign political  
9 risk, abrupt demand growth, military conflict, violent  
10 unrest, anti-competitive or protectionist behaviors,  
11 and other risks throughout the supply chain); and

12 (2) important in use (including energy tech-  
13 nology-, defense-, currency-, agriculture-, consumer  
14 electronics-, and health care-related applications).

15 (b) AVAILABILITY OF DATA.—If available data is in-  
16 sufficient to provide a quantitative basis for the method-  
17 ology developed under this section, qualitative evidence  
18 may be used to the extent necessary.

19 (c) FINAL METHODOLOGY.—After reviewing public  
20 comments on the draft methodology under subsection (a)  
21 and updating the draft methodology as appropriate, not  
22 later than 270 days after the date of enactment of this  
23 Act, the Secretary shall publish in the Federal Register  
24 a description of the final methodology for determining  
25 which minerals qualify as critical minerals.

1 (d) DESIGNATIONS.—

2 (1) IN GENERAL.—For purposes of carrying out  
3 this subtitle, the Secretary shall maintain a list of  
4 minerals and elements designated as critical, pursu-  
5 ant to the methodology under subsection (c).

6 (2) INITIAL LIST.—Subject to paragraph (1),  
7 not later than 1 year after the date of enactment of  
8 this Act, the Secretary shall publish in the Federal  
9 Register an initial list of minerals designated as crit-  
10 ical pursuant to the final methodology under sub-  
11 section (c) for the purpose of carrying out this sub-  
12 title.

13 (3) INCLUSIONS.—Notwithstanding the criteria  
14 under subsection (c), the Secretary may designate  
15 and include on the list any mineral or element deter-  
16 mined by another Federal agency to be strategic and  
17 critical to the defense or national security of the  
18 United States.

19 (e) SUBSEQUENT REVIEW.—

20 (1) IN GENERAL.—The Secretary shall review  
21 the methodology and designations under subsections  
22 (c) and (d) at least every 3 years, or more frequently  
23 as the Secretary considers to be appropriate.

24 (2) REVISIONS.—Subject to subsection (d)(1),  
25 the Secretary may—

1 (A) revise the methodology described in  
2 this section;

3 (B) determine that minerals or elements  
4 previously determined to be critical minerals are  
5 no longer critical minerals; and

6 (C) designate additional minerals or ele-  
7 ments as critical minerals.

8 (f) NOTICE.—On finalization of the methodology  
9 under subsection (c), the list under subsection (d), or any  
10 revision to the methodology or list under subsection (e),  
11 the Secretary shall submit to Congress written notice of  
12 the action.

13 **SEC. 3304. RESOURCE ASSESSMENT.**

14 (a) IN GENERAL.—Not later than 4 years after the  
15 date of enactment of this Act, in consultation with applica-  
16 ble State (including geological surveys), local, academic,  
17 industry, and other entities, the Secretary shall complete  
18 a comprehensive national assessment of each critical min-  
19 eral that—

20 (1) identifies and quantifies known critical min-  
21 eral resources, using all available public and private  
22 information and datasets, including exploration his-  
23 tories; and

24 (2) provides a quantitative and qualitative as-  
25 sessment of undiscovered critical mineral resources

1 throughout the United States, including probability  
2 estimates of tonnage and grade, using all available  
3 public and private information and datasets, includ-  
4 ing exploration histories.

5 (b) SUPPLEMENTARY INFORMATION.—In carrying  
6 out this section, the Secretary may carry out surveys and  
7 field work (including drilling, remote sensing, geophysical  
8 surveys, geological mapping, and geochemical sampling  
9 and analysis) to supplement existing information and  
10 datasets available for determining the existence of critical  
11 minerals in the United States.

12 (c) TECHNICAL ASSISTANCE.—At the request of the  
13 Governor of a State or the head of an Indian tribe, the  
14 Secretary may provide technical assistance to State gov-  
15 ernments and Indian tribes conducting critical mineral re-  
16 source assessments on non-Federal land.

17 (d) PRIORITIZATION.—

18 (1) IN GENERAL.—The Secretary may sequence  
19 the completion of resource assessments for each crit-  
20 ical mineral such that critical minerals considered to  
21 be most critical under the methodology established  
22 under section 3303 are completed first.

23 (2) REPORTING.—During the period beginning  
24 not later than 1 year after the date of enactment of  
25 this Act and ending on the date of completion of all

1 of the assessments required under this section, the  
2 Secretary shall submit to Congress on an annual  
3 basis an interim report that—

4 (A) identifies the sequence and schedule  
5 for completion of the assessments if the Sec-  
6 retary sequences the assessments; or

7 (B) describes the progress of the assess-  
8 ments if the Secretary does not sequence the  
9 assessments.

10 (e) UPDATES.—The Secretary may periodically up-  
11 date the assessments conducted under this section based  
12 on—

13 (1) the generation of new information or  
14 datasets by the Federal Government; or

15 (2) the receipt of new information or datasets  
16 from critical mineral producers, State geological sur-  
17 veys, academic institutions, trade associations, or  
18 other persons.

19 (f) ADDITIONAL SURVEYS.—The Secretary shall com-  
20 plete a resource assessment for each additional mineral  
21 or element subsequently designated as a critical mineral  
22 under section 3303(e)(2) not later than 2 years after the  
23 designation of the mineral or element.

24 (g) REPORT.—Not later than 2 years after the date  
25 of enactment of this Act, the Secretary shall submit to

1 Congress a report describing the status of geological sur-  
2 veying of Federal land for any mineral commodity—

3 (1) for which the United States was dependent  
4 on a foreign country for more than 25 percent of the  
5 United States supply, as depicted in the report  
6 issued by the United States Geological Survey enti-  
7 tled “Mineral Commodity Summaries 2017”; but

8 (2) that is not designated as a critical mineral  
9 under section 3303.

10 **SEC. 3305. PERMITTING.**

11 (a) PERFORMANCE IMPROVEMENTS.—To improve  
12 the quality and timeliness of decisions, the Secretary (act-  
13 ing through the Director of the Bureau of Land Manage-  
14 ment) and the Secretary of Agriculture (acting through  
15 the Chief of the Forest Service) (referred to in this section  
16 as the “Secretaries”) shall, to the maximum extent prac-  
17 ticable, with respect to critical mineral production on Fed-  
18 eral land, complete Federal permitting and review proc-  
19 esses with maximum efficiency and effectiveness, while  
20 supporting vital economic growth, by—

21 (1) establishing and adhering to timelines and  
22 schedules for the consideration of, and final deci-  
23 sions regarding, applications, operating plans, leases,  
24 licenses, permits, and other use authorizations for  
25 mineral-related activities on Federal land;



1           (2) establishing clear, quantifiable, and tem-  
2           poral permitting performance goals and tracking  
3           progress against those goals;

4           (3) engaging in early collaboration among agen-  
5           cies, project sponsors, and affected stakeholders—

6                 (A) to incorporate and address the inter-  
7                 ests of those parties; and

8                 (B) to minimize delays;

9           (4) ensuring transparency and accountability by  
10          using cost-effective information technology to collect  
11          and disseminate information regarding individual  
12          projects and agency performance;

13          (5) engaging in early and active consultation  
14          with State, local, and Indian tribal governments to  
15          avoid conflicts or duplication of effort, resolve con-  
16          cerns, and allow for concurrent, rather than sequen-  
17          tial, reviews;

18          (6) providing demonstrable improvements in the  
19          performance of Federal permitting and review proc-  
20          esses, including lower costs and more timely deci-  
21          sions;

22          (7) expanding and institutionalizing permitting  
23          and review process improvements that have proven  
24          effective;

1           (8) developing mechanisms to better commu-  
2       nicate priorities and resolve disputes among agencies  
3       at the national, regional, State, and local levels; and  
4           (9) developing other practices, such as  
5       preapplication procedures.

6       (b) REVIEW AND REPORT.—Not later than 1 year  
7       after the date of enactment of this Act, the Secretaries  
8       shall submit to Congress a report that—

9           (1) identifies additional measures (including  
10      regulatory and legislative proposals, as appropriate)  
11      that would increase the timeliness of permitting ac-  
12      tivities for the exploration and development of do-  
13      mestic critical minerals;

14          (2) identifies options (including cost recovery  
15      paid by permit applicants) for ensuring adequate  
16      staffing and training of Federal entities and per-  
17      sonnel responsible for the consideration of applica-  
18      tions, operating plans, leases, licenses, permits, and  
19      other use authorizations for critical mineral-related  
20      activities on Federal land;

21          (3) quantifies the amount of time typically re-  
22      quired (including range derived from minimum and  
23      maximum durations, mean, median, variance, and  
24      other statistical measures or representations) to  
25      complete each step (including those aspects outside

1 the control of the executive branch, such as judicial  
2 review, applicant decisions, or State and local gov-  
3 ernment involvement) associated with the develop-  
4 ment and processing of applications, operating  
5 plans, leases, licenses, permits, and other use au-  
6 thorizations for critical mineral-related activities on  
7 Federal land, which shall serve as a baseline for the  
8 performance metric under subsection (c); and

9 (4) describes actions carried out pursuant to  
10 subsection (a).

11 (c) PERFORMANCE METRIC.—Not later than 90 days  
12 after the date of submission of the report under subsection  
13 (b), the Secretaries, after providing public notice and an  
14 opportunity to comment, shall develop and publish a per-  
15 formance metric for evaluating the progress made by the  
16 executive branch to expedite the permitting of activities  
17 that will increase exploration for, and development of, do-  
18 mestic critical minerals, while maintaining environmental  
19 standards.

20 (d) ANNUAL REPORTS.—Beginning with the first  
21 budget submission by the President under section 1105  
22 of title 31, United States Code, after publication of the  
23 performance metric required under subsection (c), and an-  
24 nually thereafter, the Secretaries shall submit to Congress  
25 a report that—

1           (1) summarizes the implementation of rec-  
2           ommendations, measures, and options identified in  
3           paragraphs (1) and (2) of subsection (b);

4           (2) using the performance metric under sub-  
5           section (c), describes progress made by the executive  
6           branch, as compared to the baseline established pur-  
7           suant to subsection (b)(3), on expediting the permit-  
8           ting of activities that will increase exploration for,  
9           and development of, domestic critical minerals; and  
10          (3) compares the United States to other coun-  
11          tries in terms of permitting efficiency and any other  
12          criteria relevant to the globally competitive critical  
13          minerals industry.

14          (e) INDIVIDUAL PROJECTS.—Using data from the  
15          Secretaries generated under subsection (d), the Director  
16          of the Office of Management and Budget shall prioritize  
17          inclusion of individual critical mineral projects on the  
18          website operated by the Office of Management and Budget  
19          in accordance with section 1122 of title 31, United States  
20          Code.

21          (f) REPORT OF SMALL BUSINESS ADMINISTRA-  
22          TION.—Not later than 1 year and 300 days after the date  
23          of enactment of this Act, the Administrator of the Small  
24          Business Administration shall submit to the applicable

1 committees of Congress a report that assesses the per-  
2 formance of Federal agencies with respect to—

3 (1) complying with chapter 6 of title 5, United  
4 States Code (commonly known as the “Regulatory  
5 Flexibility Act”), in promulgating regulations appli-  
6 cable to the critical minerals industry; and

7 (2) performing an analysis of regulations appli-  
8 cable to the critical minerals industry that may be  
9 outmoded, inefficient, duplicative, or excessively bur-  
10 densome.

11 (g) APPLICATION.—Section 41001(6)(A) of the  
12 FAST Act (42 U.S.C. 4370m(6)(A)) is amended in the  
13 matter preceding clause (i) by inserting “(including crit-  
14 ical mineral manufacturing (as defined in section 3301 of  
15 the Energy and Natural Resources Act of 2017))” after  
16 “manufacturing”.

17 **SEC. 3306. FEDERAL REGISTER PROCESS.**

18 (a) DEPARTMENTAL REVIEW.—Absent any extraor-  
19 dinary circumstance, and except as otherwise required by  
20 law, the Secretary and the Secretary of Agriculture shall  
21 ensure that each Federal Register notice described in sub-  
22 section (b) shall be—

23 (1) subject to any required reviews within the  
24 Department of the Interior or the Department of  
25 Agriculture; and

1           (2) published in final form in the Federal Reg-  
2           ister not later than 45 days after the date of initial  
3           preparation of the notice.

4           (b) PREPARATION.—The preparation of Federal Reg-  
5           ister notices required by law associated with the issuance  
6           of a critical mineral exploration or mine permit shall be  
7           delegated to the organizational level within the agency re-  
8           sponsible for issuing the critical mineral exploration or  
9           mine permit.

10          (c) TRANSMISSION.—All Federal Register notices re-  
11          garding official document availability, announcements of  
12          meetings, or notices of intent to undertake an action shall  
13          be originated in, and transmitted to the Federal Register  
14          from, the office in which, as applicable—

15                (1) the documents or meetings are held; or

16                (2) the activity is initiated.

17   **SEC. 3307. RECYCLING, EFFICIENCY, AND ALTERNATIVES.**

18          (a) ESTABLISHMENT.—The Secretary of Energy (re-  
19          ferred to in this section as the “Secretary”) shall conduct  
20          a program of research and development—

21                (1) to promote the efficient production, use,  
22                and recycling of critical minerals throughout the  
23                supply chain; and

1           (2) to develop alternatives to critical minerals  
2           that do not occur in significant abundance in the  
3           United States.

4           (b) COOPERATION.—In carrying out the program, the  
5   Secretary shall cooperate with appropriate—

6           (1) Federal agencies and National Laboratories;

7           (2) critical mineral producers;

8           (3) critical mineral processors;

9           (4) critical mineral manufacturers;

10          (5) trade associations;

11          (6) academic institutions;

12          (7) small businesses; and

13          (8) other relevant entities or individuals.

14          (c) ACTIVITIES.—Under the program, the Secretary  
15   shall carry out activities that include the identification and  
16   development of—

17          (1) advanced critical mineral extraction, pro-  
18          duction, separation, alloying, or processing tech-  
19          nologies that decrease the energy consumption, envi-  
20          ronmental impact, and costs of those activities, in-  
21          cluding—

22                  (A) efficient water and wastewater man-  
23                  agement strategies;

1 (B) technologies and management strate-  
2 gies to control the environmental impacts of  
3 radionuclides in ore tailings; and

4 (C) technologies for separation and proc-  
5 essing;

6 (2) technologies or process improvements that  
7 minimize the use, or lead to more efficient use, of  
8 critical minerals across the full supply chain;

9 (3) technologies, process improvements, or de-  
10 sign optimizations that facilitate the recycling of  
11 critical minerals, and options for improving the rates  
12 of collection of products and scrap containing critical  
13 minerals from post-consumer, industrial, or other  
14 waste streams;

15 (4) commercial markets, advanced storage  
16 methods, energy applications, and other beneficial  
17 uses of critical minerals processing byproducts;

18 (5) alternative minerals, metals, and materials,  
19 particularly those available in abundance within the  
20 United States and not subject to potential supply re-  
21 strictions, that lessen the need for critical minerals;  
22 and

23 (6) alternative energy technologies or alter-  
24 native designs of existing energy technologies, par-  
25 ticularly those that use minerals that—



1 (A) occur in abundance in the United  
2 States; and

3 (B) are not subject to potential supply re-  
4 strictions.

5 (d) REPORTS.—Not later than 2 years after the date  
6 of enactment of this Act, and annually thereafter, the Sec-  
7 retary shall submit to Congress a report summarizing the  
8 activities, findings, and progress of the program.

9 **SEC. 3308. ANALYSIS AND FORECASTING.**

10 (a) CAPABILITIES.—In order to evaluate existing crit-  
11 ical mineral policies and inform future actions that may  
12 be taken to avoid supply shortages, mitigate price vola-  
13 tility, and prepare for demand growth and other market  
14 shifts, the Secretary, in consultation with the Energy In-  
15 formation Administration, academic institutions, and oth-  
16 ers in order to maximize the application of existing com-  
17 petencies related to developing and maintaining computer-  
18 models and similar analytical tools, shall conduct and pub-  
19 lish the results of an annual report that includes—

20 (1) as part of the annually published Mineral  
21 Commodity Summaries from the United States Geo-  
22 logical Survey, a comprehensive review of critical  
23 mineral production, consumption, and recycling pat-  
24 terns, including—

1 (A) the quantity of each critical mineral  
2 domestically produced during the preceding  
3 year;

4 (B) the quantity of each critical mineral  
5 domestically consumed during the preceding  
6 year;

7 (C) market price data or other price data  
8 for each critical mineral;

9 (D) an assessment of—

10 (i) critical mineral requirements to  
11 meet the national security, energy, eco-  
12 nomic, industrial, technological, and other  
13 needs of the United States during the pre-  
14 ceding year;

15 (ii) the reliance of the United States  
16 on foreign sources to meet those needs  
17 during the preceding year; and

18 (iii) the implications of any supply  
19 shortages, restrictions, or disruptions dur-  
20 ing the preceding year;

21 (E) the quantity of each critical mineral  
22 domestically recycled during the preceding year;

23 (F) the market penetration during the pre-  
24 ceding year of alternatives to each critical min-  
25 eral;

1 (G) a discussion of international trends as-  
2 sociated with the discovery, production, con-  
3 sumption, use, costs of production, prices, and  
4 recycling of each critical mineral as well as the  
5 development of alternatives to critical minerals;  
6 and

7 (H) such other data, analyses, and evalua-  
8 tions as the Secretary finds are necessary to  
9 achieve the purposes of this section; and

10 (2) a comprehensive forecast, entitled the “An-  
11 nual Critical Minerals Outlook”, of projected critical  
12 mineral production, consumption, and recycling pat-  
13 terns, including—

14 (A) the quantity of each critical mineral  
15 projected to be domestically produced over the  
16 subsequent 1-year, 5-year, and 10-year periods;

17 (B) the quantity of each critical mineral  
18 projected to be domestically consumed over the  
19 subsequent 1-year, 5-year, and 10-year periods;

20 (C) an assessment of—

21 (i) critical mineral requirements to  
22 meet projected national security, energy,  
23 economic, industrial, technological, and  
24 other needs of the United States;

1 (ii) the projected reliance of the  
2 United States on foreign sources to meet  
3 those needs; and

4 (iii) the projected implications of po-  
5 tential supply shortages, restrictions, or  
6 disruptions;

7 (D) the quantity of each critical mineral  
8 projected to be domestically recycled over the  
9 subsequent 1-year, 5-year, and 10-year periods;

10 (E) the market penetration of alternatives  
11 to each critical mineral projected to take place  
12 over the subsequent 1-year, 5-year, and 10-year  
13 periods;

14 (F) a discussion of reasonably foreseeable  
15 international trends associated with the dis-  
16 covery, production, consumption, use, costs of  
17 production, and recycling of each critical min-  
18 eral as well as the development of alternatives  
19 to critical minerals; and

20 (G) such other projections relating to each  
21 critical mineral as the Secretary determines to  
22 be necessary to achieve the purposes of this sec-  
23 tion.

24 (b) PROPRIETARY INFORMATION.—In preparing a re-  
25 port described in subsection (a), the Secretary shall en-

1 sure, consistent with section 5(f) of the National Materials  
2 and Minerals Policy, Research and Development Act of  
3 1980 (30 U.S.C. 1604(f)), that—

4 (1) no person uses the information and data  
5 collected for the report for a purpose other than the  
6 development of or reporting of aggregate data in a  
7 manner such that the identity of the person or firm  
8 who supplied the information is not discernible and  
9 is not material to the intended uses of the informa-  
10 tion;

11 (2) no person discloses any information or data  
12 collected for the report unless the information or  
13 data has been transformed into a statistical or ag-  
14 gregate form that does not allow the identification of  
15 the person or firm who supplied particular informa-  
16 tion; and

17 (3) procedures are established to require the  
18 withholding of any information or data collected for  
19 the report if the Secretary determines that with-  
20 holding is necessary to protect proprietary informa-  
21 tion, including any trade secrets or other confiden-  
22 tial information.

23 **SEC. 3309. EDUCATION AND WORKFORCE.**

24 (a) **WORKFORCE ASSESSMENT.**—Not later than 1  
25 year and 300 days after the date of enactment of this Act,

1 the Secretary of Labor (in consultation with the Secretary,  
2 the Director of the National Science Foundation, institu-  
3 tions of higher education with substantial expertise in  
4 mining, institutions of higher education with significant  
5 expertise in minerals research, including fundamental re-  
6 search into alternatives, and employers in the critical min-  
7 erals sector) shall submit to Congress an assessment of  
8 the domestic availability of technically trained personnel  
9 necessary for critical mineral exploration, development, as-  
10 sessment, production, manufacturing, recycling, analysis,  
11 forecasting, education, and research, including an analysis  
12 of—

13 (1) skills that are in the shortest supply as of  
14 the date of the assessment;

15 (2) skills that are projected to be in short sup-  
16 ply in the future;

17 (3) the demographics of the critical minerals in-  
18 dustry and how the demographics will evolve under  
19 the influence of factors such as an aging workforce;

20 (4) the effectiveness of training and education  
21 programs in addressing skills shortages;

22 (5) opportunities to hire locally for new and ex-  
23 isting critical mineral activities;

24 (6) the sufficiency of personnel within relevant  
25 areas of the Federal Government for achieving the

1 policies described in section 3 of the National Mate-  
2 rials and Minerals Policy, Research and Develop-  
3 ment Act of 1980 (30 U.S.C. 1602); and

4 (7) the potential need for new training pro-  
5 grams to have a measurable effect on the supply of  
6 trained workers in the critical minerals industry.

7 (b) CURRICULUM STUDY.—

8 (1) IN GENERAL.—The Secretary and the Sec-  
9 retary of Labor shall jointly enter into an arrange-  
10 ment with the National Academy of Sciences and the  
11 National Academy of Engineering under which the  
12 Academies shall coordinate with the National  
13 Science Foundation on conducting a study—

14 (A) to design an interdisciplinary program  
15 on critical minerals that will support the critical  
16 mineral supply chain and improve the ability of  
17 the United States to increase domestic, critical  
18 mineral exploration, development, production,  
19 manufacturing, research, including fundamental  
20 research into alternatives, and recycling;

21 (B) to address undergraduate and grad-  
22 uate education, especially to assist in the devel-  
23 opment of graduate level programs of research  
24 and instruction that lead to advanced degrees  
25 with an emphasis on the critical mineral supply

1 chain or other positions that will increase do-  
2 mestic, critical mineral exploration, develop-  
3 ment, production, manufacturing, research, in-  
4 cluding fundamental research into alternatives,  
5 and recycling;

6 (C) to develop guidelines for proposals  
7 from institutions of higher education with sub-  
8 stantial capabilities in the required disciplines  
9 for activities to improve the critical mineral  
10 supply chain and advance the capacity of the  
11 United States to increase domestic, critical min-  
12 eral exploration, research, development, produc-  
13 tion, manufacturing, and recycling; and

14 (D) to outline criteria for evaluating per-  
15 formance and recommendations for the amount  
16 of funding that will be necessary to establish  
17 and carry out the program described in sub-  
18 section (c).

19 (2) REPORT.—Not later than 2 years after the  
20 date of enactment of this Act, the Secretary shall  
21 submit to Congress a description of the results of  
22 the study required under paragraph (1).

23 (c) PROGRAM.—

24 (1) ESTABLISHMENT.—The Secretary and the  
25 Secretary of Labor shall jointly conduct a competi-



1        tive grant program under which institutions of high-  
2        er education may apply for and receive 4-year grants  
3        for—

4                (A) startup costs for newly designated fac-  
5        ulty positions in integrated critical mineral edu-  
6        cation, research, innovation, training, and work-  
7        force development programs consistent with  
8        subsection (b);

9                (B) internships, scholarships, and fellow-  
10       ships for students enrolled in programs related  
11       to critical minerals;

12               (C) equipment necessary for integrated  
13       critical mineral innovation, training, and work-  
14       force development programs; and

15               (D) research of critical minerals and their  
16       applications, particularly concerning the manu-  
17       facture of critical components vital to national  
18       security.

19        (2) RENEWAL.—A grant under this subsection  
20       shall be renewable for up to 2 additional 3-year  
21       terms based on performance criteria outlined under  
22       subsection (b)(1)(D).

1 **SEC. 3310. NATIONAL GEOLOGICAL AND GEOPHYSICAL**  
 2 **DATA PRESERVATION PROGRAM.**

3 Section 351(k) of the Energy Policy Act of 2005 (42  
 4 U.S.C. 15908(k)) is amended by striking “\$30,000,000  
 5 for each of fiscal years 2006 through 2010” and inserting  
 6 “\$5,000,000 for each of fiscal years 2018 through 2027,  
 7 to remain available until expended”.

8 **SEC. 3311. ADMINISTRATION.**

9 (a) IN GENERAL.—The National Critical Materials  
 10 Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

11 (b) CONFORMING AMENDMENT.—Section 3(d) of the  
 12 National Superconductivity and Competitiveness Act of  
 13 1988 (15 U.S.C. 5202(d)) is amended in the first sentence  
 14 by striking “, with the assistance of the National Critical  
 15 Materials Council as specified in the National Critical Ma-  
 16 terials Act of 1984 (30 U.S.C. 1801 et seq.),”.

17 (c) SAVINGS CLAUSES.—

18 (1) IN GENERAL.—Nothing in this subtitle or  
 19 an amendment made by this subtitle modifies any  
 20 requirement or authority provided by—

21 (A) the matter under the heading “**GEO-**  
 22 **LOGICAL SURVEY**” of the first section of the  
 23 Act of March 3, 1879 (43 U.S.C. 31(a)); or

24 (B) the first section of Public Law 87–626  
 25 (43 U.S.C. 31(b)).

1           (2) SECRETARIAL ORDER NOT AFFECTED.—

2           This subtitle shall not apply to any mineral de-  
3           scribed in Secretarial Order No. 3324, issued by the  
4           Secretary of the Interior on December 3, 2012, in  
5           any area to which the order applies.

6 **SEC. 3312. AUTHORIZATION OF APPROPRIATIONS.**

7           There is authorized to be appropriated to carry out  
8           this subtitle \$50,000,000 for each of fiscal years 2018  
9           through 2027.

10                   **Subtitle E—Fossil Energy**

11 **SEC. 3401. FOSSIL ENERGY.**

12           Section 961(a) of the Energy Policy Act of 2005 (42  
13           U.S.C. 16291(a)) is amended by adding at the end the  
14           following:

15                   “(8) Improving the conversion, use, and storage  
16           of carbon dioxide produced from fossil fuels.”.

17 **SEC. 3402. ESTABLISHMENT OF COAL TECHNOLOGY PRO-**  
18                   **GRAM.**

19           The Energy Policy Act of 2005 is amended by strik-  
20           ing section 962 (42 U.S.C. 16292) and inserting the fol-  
21           lowing:

22 **“SEC. 962. COAL TECHNOLOGY PROGRAM.**

23           “(a) DEFINITIONS.—In this section:

1           “(1) LARGE-SCALE PILOT PROJECT.—The term  
2       ‘large-scale pilot project’ means a pilot project  
3       that—

4           “(A) represents the scale of technology de-  
5       velopment beyond laboratory development and  
6       bench scale testing, but not yet advanced to the  
7       point of being tested under real operational con-  
8       ditions at commercial scale;

9           “(B) represents the scale of technology  
10      necessary to gain the operational data needed  
11      to understand the technical and performance  
12      risks of the technology before the application of  
13      that technology at commercial scale or in com-  
14      mercial-scale demonstration; and

15          “(C) is large enough—

16              “(i) to validate scaling factors; and

17              “(ii) to demonstrate the interaction  
18      between major components so that control  
19      philosophies for a new process can be de-  
20      veloped and enable the technology to ad-  
21      vance from large-scale pilot plant applica-  
22      tion to commercial-scale demonstration or  
23      application.

1           “(2) NET-NEGATIVE CARBON DIOXIDE EMIS-  
2           SIONS PROJECT.—The term ‘net-negative carbon di-  
3           oxide emissions project’ means a project—

4                   “(A) that employs a technology for  
5           thermochemical coconversion of coal and bio-  
6           mass fuels that—

7                           “(i) uses a carbon capture system;  
8                           and

9                           “(ii) with carbon dioxide removal, the  
10           Secretary determines can provide elec-  
11           tricity, fuels, or chemicals with net-nega-  
12           tive carbon dioxide emissions from produc-  
13           tion and consumption of the end products,  
14           while removing atmospheric carbon dioxide;

15                   “(B) that will proceed initially through a  
16           large-scale pilot project for which front-end en-  
17           gineering will be performed for bituminous, sub-  
18           bituminous, and lignite coals; and

19                   “(C) through which each use of coal will be  
20           combined with the use of a regionally indige-  
21           nous form of biomass energy, provided on a re-  
22           newable basis, that is sufficient in quantity to  
23           allow for net-negative emissions of carbon diox-  
24           ide (in combination with a carbon capture sys-

1           tem), while avoiding impacts on food production  
2           activities.

3           “(3) PROGRAM.—The term ‘program’ means  
4           the program established under subsection (b)(1).

5           “(4) TRANSFORMATIONAL TECHNOLOGY.—

6                 “(A) IN GENERAL.—The term ‘trans-  
7                 formational technology’ means a power genera-  
8                 tion technology that represents an entirely new  
9                 way to convert energy that will enable a step  
10                change in performance, efficiency, and cost of  
11                electricity as compared to the technology in ex-  
12                istence on the date of enactment of the Energy  
13                and Natural Resources Act of 2017.

14               “(B) INCLUSIONS.—The term ‘trans-  
15                formational technology’ includes a broad range  
16                of technology improvements, including—

17                         “(i) thermodynamic improvements in  
18                         energy conversion and heat transfer, in-  
19                         cluding—

20                                 “(I) oxygen combustion;

21                                 “(II) chemical looping; and

22                                 “(III) the replacement of steam  
23                                 cycles with supercritical carbon diox-  
24                                 ide cycles;

1                   “(ii) improvements in turbine tech-  
2                   nology;

3                   “(iii) improvements in carbon capture  
4                   systems technology; and

5                   “(iv) any other technology the Sec-  
6                   retary recognizes as transformational tech-  
7                   nology.

8           “(b) COAL TECHNOLOGY PROGRAM.—

9                   “(1) IN GENERAL.—The Secretary shall estab-  
10                  lish a coal technology program to ensure the contin-  
11                  ued use of the abundant, domestic coal resources of  
12                  the United States through the development of tech-  
13                  nologies that will significantly improve the efficiency,  
14                  effectiveness, costs, and environmental performance  
15                  of coal use.

16                  “(2) REQUIREMENTS.—The program shall in-  
17                  clude—

18                               “(A) a research and development program;

19                               “(B) large-scale pilot projects;

20                               “(C) demonstration projects; and

21                               “(D) net-negative carbon dioxide emissions  
22                  projects.

23                  “(3) PROGRAM GOALS AND OBJECTIVES.—In  
24                  consultation with the interested entities described in  
25                  paragraph (4)(C), the Secretary shall develop goals

1 and objectives for the program to be applied to the  
2 technologies developed within the program, taking  
3 into consideration the following objectives:

4 “(A) Ensure reliable, low-cost power from  
5 new and existing coal plants.

6 “(B) Achieve high conversion efficiencies.

7 “(C) Address emissions of carbon dioxide  
8 through high-efficiency platforms and carbon  
9 capture from new and existing coal plants.

10 “(D) Support small-scale and modular  
11 technologies to enable incremental capacity ad-  
12 ditions and load growth and large-scale genera-  
13 tion technologies.

14 “(E) Support flexible baseload operations  
15 for new and existing applications of coal gen-  
16 eration.

17 “(F) Further reduce emissions of criteria  
18 pollutants and reduce the use and manage the  
19 discharge of water in power plant operations.

20 “(G) Accelerate the development of tech-  
21 nologies that have transformational energy con-  
22 version characteristics.

23 “(H) Validate geological storage of large  
24 volumes of anthropogenic sources of carbon di-  
25 oxide and support the development of the infra-



1 structure needed to support a carbon dioxide  
2 use and storage industry.

3 “(I) Examine methods of converting coal  
4 to other valuable products and commodities in  
5 addition to electricity.

6 “(4) CONSULTATIONS REQUIRED.—In carrying  
7 out the program, the Secretary shall—

8 “(A) undertake international collabora-  
9 tions, taking into consideration the rec-  
10 ommendations of the National Coal Council;

11 “(B) use existing authorities to encourage  
12 international cooperation; and

13 “(C) consult with interested entities, in-  
14 cluding—

15 “(i) coal producers;

16 “(ii) industries that use coal;

17 “(iii) organizations that promote coal  
18 and advanced coal technologies;

19 “(iv) environmental organizations;

20 “(v) organizations representing work-  
21 ers; and

22 “(vi) organizations representing con-  
23 sumers.

24 “(c) REPORT.—

1           “(1) IN GENERAL.—Not later than 18 months  
2           after the date of enactment of the Energy and Nat-  
3           ural Resources Act of 2017, the Secretary shall sub-  
4           mit to Congress a report describing the performance  
5           standards adopted under subsection (b)(3).

6           “(2) UPDATE.—Not less frequently than once  
7           every 2 years after the initial report is submitted  
8           under paragraph (1), the Secretary shall submit to  
9           Congress a report describing the progress made to-  
10          wards achieving the objectives and performance  
11          standards adopted under subsection (b)(3).

12          “(d) FUNDING.—

13               “(1) AUTHORIZATION OF APPROPRIATIONS.—  
14               There are authorized to be appropriated to the Sec-  
15               retary to carry out this section, to remain available  
16               until expended—

17                       “(A) for activities under the research and  
18                       development program component described in  
19                       subsection (b)(2)(A)—

20                               “(i) \$275,000,000 for each of fiscal  
21                               years 2018 through 2021; and

22                               “(ii) \$200,000,000 for fiscal year  
23                               2022;

1 “(B) for activities under the demonstration  
 2 projects program component described in sub-  
 3 section (b)(2)(C)—

4 “(i) \$50,000,000 for each of fiscal  
 5 years 2018 through 2021; and

6 “(ii) \$75,000,000 for fiscal year 2022;

7 “(C) subject to paragraph (2), for activi-  
 8 ties under the large-scale pilot projects program  
 9 component described in subsection (b)(2)(B),  
 10 \$285,000,000 for each of fiscal years 2018  
 11 through 2022; and

12 “(D) for activities under the net-negative  
 13 carbon dioxide emissions projects program com-  
 14 ponent described in subsection (b)(2)(D),  
 15 \$22,000,000 for each of fiscal years 2018  
 16 through 2022.

17 “(2) COST SHARING FOR LARGE-SCALE PILOT  
 18 PROJECTS.—Activities under subsection (b)(2)(B)  
 19 shall be subject to the cost-sharing requirements of  
 20 section 988(b).”.

21 **SEC. 3403. REPORT ON CARBON DIOXIDE CAPTURE CON-**  
 22 **TRACTING AUTHORITY.**

23 Section 963 of the Energy Policy Act of 2005 (42  
 24 U.S.C. 16293) is amended by adding at the end the fol-  
 25 lowing:

1       “(e) REPORT ON CARBON DIOXIDE CAPTURE CON-  
2 TRACTING AUTHORITY.—

3               “(1) DEFINITION OF ELECTRIC GENERATION  
4 UNIT.—In this subsection, the term ‘electric genera-  
5 tion unit’ means an electric generation unit that—

6                       “(A) uses coal-based generation tech-  
7 nology; and

8                       “(B) is capable of capturing carbon dioxide  
9 emissions from the unit.

10               “(2) REPORT.—Not later than 180 days after  
11 the date of enactment of the Energy and Natural  
12 Resources Act of 2017, the Secretary shall prepare  
13 and submit to the appropriate committees of Con-  
14 gress a report that—

15                       “(A) describes the costs and benefits of en-  
16 tering into long-term binding contracts on be-  
17 half of the Federal Government with qualified  
18 parties to provide support for capturing carbon  
19 dioxide from electricity generated at an electric  
20 generation unit or carbon dioxide captured from  
21 an electric generation unit and sold to a pur-  
22 chaser for—

23                               “(i) the recovery of crude oil; or

24                               “(ii) other purposes for which a com-  
25 mercial market exists;

1           “(B) contains an analysis of how the De-  
 2           partment would establish, implement, and  
 3           maintain a contracting program described in  
 4           subparagraph (A); and

5           “(C) outlines options for how contracts  
 6           may be structured, and regulations that would  
 7           be necessary, to implement a contracting pro-  
 8           gram described in subparagraph (A).”.

## 9           **Subtitle F—Nuclear**

### 10   **SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.**

11           (a) NUCLEAR ENERGY.—Section 951 of the Energy  
 12   Policy Act of 2005 (42 U.S.C. 16271) is amended to read  
 13   as follows:

#### 14   **“SEC. 951. NUCLEAR ENERGY.**

15           “(a) MISSION.—

16           “(1) IN GENERAL.—The Secretary shall carry  
 17           out programs of civilian nuclear research, develop-  
 18           ment, demonstration, and commercial application,  
 19           including activities under this subtitle.

20           “(2) CONSIDERATIONS.—The programs carried  
 21           out under paragraph (1) shall take into consider-  
 22           ation the following objectives:

23           “(A) Providing research infrastructure to  
 24           promote scientific progress and enable users  
 25           from academia, the National Laboratories, and

1 the private sector to make scientific discoveries  
2 relevant for nuclear, chemical, and materials  
3 science engineering.

4 “(B) Maintaining nuclear energy research  
5 and development programs at the National  
6 Laboratories and institutions of higher edu-  
7 cation, including infrastructure at the National  
8 Laboratories and institutions of higher edu-  
9 cation.

10 “(C) Providing the technical means to re-  
11 duce the likelihood of nuclear proliferation.

12 “(D) Increasing confidence margins for  
13 public safety of nuclear energy systems.

14 “(E) Reducing the environmental impact  
15 of activities relating to nuclear energy.

16 “(F) Supporting technology transfer from  
17 the National Laboratories to the private sector.

18 “(G) Enabling the private sector to part-  
19 ner with the National Laboratories to dem-  
20 onstrate novel reactor concepts for the purpose  
21 of resolving technical uncertainty associated  
22 with the objectives described in subparagraphs  
23 (A) through (F).

24 “(b) DEFINITIONS.—In this subtitle:

1           “(1) ADVANCED NUCLEAR REACTOR.—The  
2           term ‘advanced nuclear reactor’ means—

3                   “(A) a nuclear fission reactor with signifi-  
4                   cant improvements over the most recent genera-  
5                   tion of nuclear fission reactors, which may in-  
6                   clude—

7                           “(i) inherent safety features;

8                           “(ii) lower waste yields;

9                           “(iii) greater fuel utilization;

10                          “(iv) superior reliability;

11                          “(v) resistance to proliferation;

12                          “(vi) increased thermal efficiency; and

13                          “(vii) the ability to integrate into elec-  
14                   tric and nonelectric applications; or

15                   “(B) a nuclear fusion reactor.

16           “(2) COMMISSION.—The term ‘Commission’  
17           means the Nuclear Regulatory Commission.

18           “(3) FAST NEUTRON.—The term ‘fast neutron’  
19           means a neutron with kinetic energy above 100  
20           kiloelectron volts.

21           “(4) NATIONAL LABORATORY.—

22                   “(A) IN GENERAL.—Except as provided in  
23                   subparagraph (B), the term ‘National Labora-  
24                   tory’ has the meaning given the term in section  
25                   2.

1           “(B) LIMITATION.—With respect to the  
 2           Lawrence Livermore National Laboratory, the  
 3           Los Alamos National Laboratory, and the  
 4           Sandia National Laboratories, the term ‘Na-  
 5           tional Laboratory’ means only the civilian ac-  
 6           tivities of the laboratory.

7           “(5) NEUTRON FLUX.—The term ‘neutron flux’  
 8           means the intensity of neutron radiation measured  
 9           as a rate of flow of neutrons applied over an area.

10          “(6) NEUTRON SOURCE.—The term ‘neutron  
 11          source’ means a research machine that provides neu-  
 12          tron irradiation services for—

13               “(A) research on materials sciences and  
 14               nuclear physics; and

15               “(B) testing of advanced materials, nuclear  
 16               fuels, and other related components for reactor  
 17               systems.”.

18          (b) NUCLEAR ENERGY RESEARCH PROGRAMS.—

19               (1) IN GENERAL.—Section 952 of the Energy  
 20          Policy Act of 2005 (42 U.S.C. 16272) is amended—

21                       (A) by striking subsection (c); and

22                       (B) by redesignating subsections (d) and  
 23               (e) as subsections (c) and (d), respectively.

24               (2) CONFORMING AMENDMENT.—Section  
 25          641(b)(1) of the Energy Policy Act of 2005 (42



1 U.S.C. 16021(b)(1)) is amended by striking “section  
2 942(d)” and inserting “section 952(c)”.

3 (c) ADVANCED FUEL CYCLE INITIATIVE.—Section  
4 953(a) of the Energy Policy Act of 2005 (42 U.S.C.  
5 16273(a)) is amended by striking “, acting through the  
6 Director of the Office of Nuclear Energy, Science and  
7 Technology,”.

8 (d) UNIVERSITY NUCLEAR SCIENCE AND ENGINEER-  
9 ING SUPPORT.—Section 954(d)(4) of the Energy Policy  
10 Act of 2005 (42 U.S.C. 16274(d)(4)) is amended by strik-  
11 ing “as part of a taking into consideration effort that em-  
12 phasizes” and inserting “that emphasize”.

13 (e) DEPARTMENT OF ENERGY CIVILIAN NUCLEAR  
14 INFRASTRUCTURE AND FACILITIES.—Section 955 of the  
15 Energy Policy Act of 2005 (42 U.S.C. 16275) is amend-  
16 ed—

17 (1) by striking subsections (c) and (d); and

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

19 “(c) VERSATILE NEUTRON SOURCE.—

20 “(1) MISSION NEED.—

21 “(A) IN GENERAL.—Not later than De-  
22 cember 31, 2017, the Secretary shall determine  
23 the mission need for a versatile reactor-based  
24 fast neutron source, which shall operate as a  
25 national user facility.

1           “(B) CONSULTATIONS REQUIRED.—In car-  
2           rying out subparagraph (A), the Secretary shall  
3           consult with the private sector, institutions of  
4           higher education, the National Laboratories,  
5           and relevant Federal agencies to ensure that  
6           the user facility described in subparagraph (A)  
7           will meet the research needs of the largest prac-  
8           ticable majority of prospective users.

9           “(2) ESTABLISHMENT.—As soon as practicable  
10          after determining the mission need under paragraph  
11          (1)(A), the Secretary shall submit to the appropriate  
12          committees of Congress a detailed plan for the es-  
13          tablishment of the user facility.

14          “(3) FACILITY REQUIREMENTS.—

15                 “(A) CAPABILITIES.—The Secretary shall  
16                 ensure that the user facility will provide, at a  
17                 minimum, the following capabilities:

18                         “(i) Fast neutron spectrum irradi-  
19                         tion capability.

20                         “(ii) Capacity for upgrades to accom-  
21                         modate new or expanded research needs.

22           “(B) CONSIDERATIONS.—In carrying out  
23          the plan submitted under paragraph (2), the  
24          Secretary shall consider the following:

1 “(i) Capabilities that support experi-  
2 mental high-temperature testing.

3 “(ii) Providing a source of fast neu-  
4 trons at a neutron flux, higher than that  
5 at which current research facilities operate,  
6 sufficient to enable research for an optimal  
7 base of prospective users.

8 “(iii) Maximizing irradiation flexibility  
9 and irradiation volume to accommodate as  
10 many concurrent users as possible.

11 “(iv) Capabilities for irradiation with  
12 neutrons of a lower energy spectrum.

13 “(v) Multiple loops for fuels and ma-  
14 terials testing in different coolants.

15 “(vi) Additional pre-irradiation and  
16 post-irradiation examination capabilities.

17 “(vii) Lifetime operating costs and  
18 lifecycle costs.

19 “(4) DEADLINE FOR ESTABLISHMENT.—The  
20 Secretary shall, to the maximum extent practicable,  
21 complete construction of, and approve the start of  
22 operations for, the user facility by not later than De-  
23 cember 31, 2026.

24 “(5) REPORTING.—The Secretary shall include  
25 in the annual budget request of the Department an

1 explanation for any delay in the progress of the De-  
 2 partment in completing the user facility by the dead-  
 3 line described in paragraph (4).

4 “(6) COORDINATION.—The Secretary shall le-  
 5 verage the best practices for management, construc-  
 6 tion, and operation of national user facilities from  
 7 the Office of Science.”.

8 (f) SECURITY OF NUCLEAR FACILITIES.—Section  
 9 956 of the Energy Policy Act of 2005 (42 U.S.C. 16276)  
 10 is amended by striking “, acting through the Director of  
 11 the Office of Nuclear Energy, Science and Technology,”.

12 (g) HIGH-PERFORMANCE COMPUTATION AND SUP-  
 13 PORTIVE RESEARCH.—Section 957 of the Energy Policy  
 14 Act of 2005 (42 U.S.C. 16277) is amended to read as  
 15 follows:

16 **“SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUP-**  
 17 **PORTIVE RESEARCH.**

18 “(a) MODELING AND SIMULATION.—The Secretary  
 19 shall carry out a program to enhance the capabilities of  
 20 the United States to develop new reactor technologies  
 21 through high-performance computation modeling and sim-  
 22 ulation techniques.

23 “(b) COORDINATION.—In carrying out the program  
 24 under subsection (a), the Secretary shall coordinate with  
 25 relevant Federal agencies as described by the National

1 Strategic Computing Initiative established by Executive  
2 Order 13702 (80 Fed. Reg. 46177 (July 29, 2015)), while  
3 taking into account the following objectives:

4           “(1) Using expertise from the private sector, in-  
5           stitutions of higher education, and the National  
6           Laboratories to develop computational software and  
7           capabilities that prospective users may access to ac-  
8           celerate research and development of advanced nu-  
9           clear reactor systems and reactor systems for space  
10          exploration.

11          “(2) Developing computational tools to simulate  
12          and predict nuclear phenomena that may be vali-  
13          dated through physical experimentation.

14          “(3) Increasing the utility of the research infra-  
15          structure of the Department by coordinating with  
16          the Advanced Scientific Computing Research pro-  
17          gram within the Office of Science.

18          “(4) Leveraging experience from the Energy In-  
19          novation Hub for Modeling and Simulation.

20          “(5) Ensuring that new experimental and com-  
21          putational tools are accessible to relevant research  
22          communities, including private sector entities en-  
23          gaged in nuclear energy technology development.

24          “(c) SUPPORTIVE RESEARCH ACTIVITIES.—The Sec-  
25          retary shall consider support for additional research activi-

1 ties to maximize the utility of the research facilities of the  
2 Department, including physical processes—

3 “(1) to simulate degradation of materials and  
4 behavior of fuel forms; and

5 “(2) for validation of computational tools.”.

6 (h) ENABLING NUCLEAR ENERGY INNOVATION.—

7 Subtitle E of title IX of the Energy Policy Act of 2005  
8 (42 U.S.C. 16271 et seq.) is amended by adding at the  
9 end the following:

10 **“SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.**

11 “(a) NATIONAL REACTOR INNOVATION CENTER.—

12 There is authorized a program to enable the testing and  
13 demonstration of reactor concepts to be proposed and  
14 funded by the private sector.

15 “(b) TECHNICAL EXPERTISE.—In carrying out the  
16 program under subsection (a), the Secretary shall leverage  
17 the technical expertise of relevant Federal agencies and  
18 the National Laboratories in order to minimize the time  
19 required to enable construction and operation of privately  
20 funded experimental reactors at National Laboratories or  
21 other Department-owned sites.

22 “(c) OBJECTIVES.—The reactors described in sub-  
23 section (b) shall operate to meet the following objectives:

24 “(1) Enabling physical validation of advanced  
25 nuclear reactor concepts.

1           “(2) Resolving technical uncertainty and in-  
2           creasing practical knowledge relevant to safety, resil-  
3           ience, security, and functionality of advanced nuclear  
4           reactor concepts.

5           “(3) General research and development to im-  
6           prove nascent technologies.

7           “(d) SHARING TECHNICAL EXPERTISE.—In carrying  
8           out the program under subsection (a), the Secretary may  
9           enter into a memorandum of understanding with the  
10          Chairman of the Commission in order to share technical  
11          expertise and knowledge through—

12           “(1) enabling the testing and demonstration of  
13           advanced nuclear reactor concepts to be proposed  
14           and funded by the private sector;

15           “(2) operating a database to store and share  
16           data and knowledge relevant to nuclear science and  
17           engineering between Federal agencies and the pri-  
18           vate sector;

19           “(3) developing and testing electric and non-  
20           electric integration and energy conversion systems  
21           relevant to advanced nuclear reactors;

22           “(4) leveraging expertise from the Commission  
23           with respect to safety analysis; and

1           “(5) enabling technical staff of the Commission  
2           to actively observe and learn about technologies de-  
3           veloped under the program.

4           “(e) AGENCY COORDINATION.—The Chairman of the  
5           Commission and the Secretary shall enter into a memo-  
6           randum of understanding regarding the following:

7           “(1) Ensuring that—

8                   “(A) the Department has sufficient tech-  
9                   nical expertise to support the timely research,  
10                  development, demonstration, and commercial  
11                  application by the civilian nuclear industry of  
12                  safe and innovative advanced nuclear reactor  
13                  technology; and

14                  “(B) the Commission has sufficient tech-  
15                  nical expertise to support the evaluation of ap-  
16                  plications for licenses, permits, and design cer-  
17                  tifications and other requests for regulatory ap-  
18                  proval for advanced nuclear reactors.

19           “(2) The use of computers and software codes  
20           to calculate the behavior and performance of ad-  
21           vanced nuclear reactors based on mathematical mod-  
22           els of the physical behavior of advanced nuclear re-  
23           actors.

24           “(3) Ensuring that—



1           “(A) the Department maintains and devel-  
2           ops the facilities necessary to enable the timely  
3           research, development, demonstration, and com-  
4           mercial application by the civilian nuclear in-  
5           dustry of safe and innovative reactor tech-  
6           nology; and

7           “(B) the Commission has access to the fa-  
8           cilities described in subparagraph (A), as need-  
9           ed.

10       “(f) REPORTING REQUIREMENTS.—

11           “(1) IN GENERAL.—Not later than 180 days  
12           after the date of enactment of the Energy and Nat-  
13           ural Resources Act of 2017, the Secretary, in con-  
14           sultation with the National Laboratories, relevant  
15           Federal agencies, and other stakeholders, shall sub-  
16           mit to the appropriate committees of Congress a re-  
17           port assessing the capabilities of the Department to  
18           authorize, host, and oversee privately funded experi-  
19           mental advanced nuclear reactors as described in  
20           subsection (b).

21           “(2) CONTENTS.—The report submitted under  
22           paragraph (1) shall address—

23           “(A) the safety review and oversight capa-  
24           bilities of the Department, including options to

1 leverage expertise from the Commission and the  
2 National Laboratories;

3 “(B) options to regulate privately proposed  
4 and funded experimental reactors hosted by the  
5 Department;

6 “(C) potential sites capable of hosting pri-  
7 vately funded experimental advanced nuclear re-  
8 actors;

9 “(D) the efficacy of the available contrac-  
10 tual mechanisms of the Department to partner  
11 with the private sector and Federal agencies,  
12 including cooperative research and development  
13 agreements, strategic partnership projects, and  
14 agreements for commercializing technology;

15 “(E) the liability of the Federal Govern-  
16 ment with respect to the disposal of low-level  
17 radioactive waste, spent nuclear fuel, or high-  
18 level radioactive waste (as those terms are de-  
19 fined in section 2 of the Nuclear Waste Policy  
20 Act of 1982 (42 U.S.C. 10101));

21 “(F) the impact on the aggregate inven-  
22 tory in the United States of low-level radio-  
23 active waste, spent nuclear fuel, or high-level  
24 radioactive waste (as those terms are defined in

1 section 2 of the Nuclear Waste Policy Act of  
2 1982 (42 U.S.C. 10101));

3 “(G) potential cost structures relating to  
4 physical security, decommissioning, liability,  
5 and other long-term project costs; and

6 “(H) other challenges or considerations  
7 identified by the Secretary.

8 “(3) UPDATES.—Once every 2 years, the Sec-  
9 retary shall update relevant provisions of the report  
10 submitted under paragraph (1) and submit to the  
11 appropriate committees of Congress the update.

12 “(g) SAVINGS CLAUSES.—

13 “(1) LICENSING REQUIREMENT.—Nothing in  
14 this section authorizes the Secretary or any person  
15 to construct or operate a nuclear reactor for the pur-  
16 pose of demonstrating the suitability for commercial  
17 application of the nuclear reactor unless licensed by  
18 the Commission in accordance with section 202 of  
19 the Energy Reorganization Act of 1974 (42 U.S.C.  
20 5842).

21 “(2) FINANCIAL PROTECTION.—Any activity  
22 carried out under this section that involves the risk  
23 of public liability shall be subject to the financial  
24 protection or indemnification requirements of section  
25 170 of the Atomic Energy Act of 1954 (42 U.S.C.

1       2210) (commonly known as the ‘Price-Anderson  
2       Act’).”.

3       (i) BUDGET PLAN.—

4           (1) IN GENERAL.—Subtitle E of title IX of the  
5       Energy Policy Act of 2005 (42 U.S.C. 16271 et  
6       seq.) (as amended by subsection (h)) is amended by  
7       adding at the end the following:

8       **“SEC. 959. BUDGET PLAN.**

9           “(a) IN GENERAL.—Not later than 1 year after the  
10      date of enactment of the Energy and Natural Resources  
11      Act of 2017, the Secretary shall submit to the Committee  
12      on Energy and Natural Resources of the Senate and the  
13      Committee on Science, Space, and Technology of the  
14      House of Representatives 2 alternative 10-year budget  
15      plans for civilian nuclear energy research and development  
16      by the Secretary, as described in subsections (b) through  
17      (d).

18          “(b) BUDGET PLAN ALTERNATIVE 1.—One of the  
19      budget plans submitted under subsection (a) shall assume  
20      constant annual funding for 10 years at the appropriated  
21      level for the civilian nuclear energy research and develop-  
22      ment of the Department for fiscal year 2017.

23          “(c) BUDGET PLAN ALTERNATIVE 2.—One of the  
24      budget plans submitted under subsection (a) shall be an  
25      unconstrained budget.

1       “(d) INCLUSIONS.—Each alternative budget plan  
2 submitted under subsection (a) shall include—

3               “(1) a prioritized list of the programs, projects,  
4 and activities of the Department to best support the  
5 development of advanced nuclear reactor tech-  
6 nologies;

7               “(2) realistic budget requirements for the De-  
8 partment to implement sections 955(c), 957, and  
9 958; and

10              “(3) the justification of the Department for  
11 continuing or terminating existing civilian nuclear  
12 energy research and development programs.”.

13              (2) REPORT ON FUSION INNOVATION.—

14                      (A) IN GENERAL.—Not later than 180  
15 days after the date of enactment of this Act,  
16 the Secretary shall submit to the Committee on  
17 Energy and Natural Resources of the Senate  
18 and the Committee on Science, Space, and  
19 Technology of the House of Representatives a  
20 report identifying engineering designs for inno-  
21 vative fusion energy systems that have the po-  
22 tential to demonstrate net energy production  
23 not later than 15 years after the start of con-  
24 struction.

1 (B) INCLUSIONS.—The report submitted  
 2 under subparagraph (A) shall identify budg-  
 3 etary requirements that would be necessary for  
 4 the Department to carry out a fusion innova-  
 5 tion initiative to accelerate research and devel-  
 6 opment of the engineering designs identified in  
 7 the report.

8 (3) CONFORMING AMENDMENTS.—The table of  
 9 contents for the Energy Policy Act of 2005 is  
 10 amended by striking the item relating to section 957  
 11 and inserting the following:

“957. High-performance computation and supportive research.

“958. Enabling nuclear energy innovation.

“959. Budget plan.”.

12 (j) ADVANCED NUCLEAR REACTOR REGULATORY  
 13 FRAMEWORK.—

14 (1) IN GENERAL.—Not later than 1 year after  
 15 the date of enactment of this Act, the Nuclear Regu-  
 16 latory Commission (referred to in this subsection as  
 17 the “Commission”) shall submit to the Committee  
 18 on Energy and Commerce of the House of Rep-  
 19 resentatives and the Committee on Environment and  
 20 Public Works of the Senate a plan for developing an  
 21 efficient, risk-informed, and technology-neutral  
 22 framework for licensing advanced nuclear reactors  
 23 (as defined in subsection (b) of section 951 of the

1 Energy Policy Act of 2005 (42 U.S.C. 16271) (as  
2 amended by subsection (a))).

3 (2) REQUIREMENTS.—Consistent with the role  
4 of the Commission in protecting public health and  
5 safety and common defense and security, the plan  
6 submitted under paragraph (1) shall evaluate the  
7 following:

8 (A) The unique aspects of advanced nu-  
9 clear reactor licensing and any associated legal,  
10 regulatory, and policy issues the Commission  
11 will need to address to develop a framework for  
12 licensing advanced nuclear reactors.

13 (B) Options for licensing advanced nuclear  
14 reactors under—

15 (i) regulations of the Commission  
16 under title 10, Code of Federal Regula-  
17 tions (as in effect on the date of enactment  
18 of this Act);

19 (ii) a proposed new regulatory frame-  
20 work; or

21 (iii) a combination of the approaches  
22 described in clauses (i) and (ii).

23 (C) Options to expedite and streamline the  
24 licensing of advanced nuclear reactors, includ-  
25 ing opportunities—

1 (i) to minimize the time from the date  
2 of the application submission to the date of  
3 the final Commission licensing decision;  
4 and

5 (ii) to minimize the delays that may  
6 result from any necessary amendments or  
7 supplements to applications.

8 (D) Options to expand the incorporation of  
9 consensus-based codes and standards into the  
10 advanced nuclear reactor regulatory frame-  
11 work—

12 (i) to minimize the time to completion  
13 of licensing; and

14 (ii) to provide flexibility in implemen-  
15 tation of the framework.

16 (E) Options to make the advanced nuclear  
17 reactor licensing framework more predictable,  
18 including considering opportunities to improve  
19 the process by which application review mile-  
20 stones are established and maintained.

21 (F) Options to allow applicants to use  
22 phased review processes under which the Com-  
23 mission issues approvals that do not require the  
24 Commission to rereview previously approved in-  
25 formation, including considering the ability of



1 the Commission to review and conditionally ap-  
2 prove partial applications, early design informa-  
3 tion, and submissions that contain design cri-  
4 teria and processes to be used to develop infor-  
5 mation to support a later phase of the design  
6 review.

7 (G) The extent to which action by, or  
8 modifications of policies of, the Commission are  
9 needed to implement any part of the plan re-  
10 quired under paragraph (1).

11 (H) The role of licensing advanced nuclear  
12 reactors within long-term strategic resource  
13 planning, staffing, and funding levels of the  
14 Commission.

15 (I) Options to provide cost-sharing finan-  
16 cial structures for license applicants in a phased  
17 licensing process.

18 (3) COORDINATION AND STAKEHOLDER INPUT  
19 REQUIRED.—In developing the plan under para-  
20 graph (1), the Commission shall seek input from the  
21 Department, the nuclear industry, and other public  
22 stakeholders.

23 (4) COST AND SCHEDULE ESTIMATE.—The plan  
24 required under paragraph (1) shall include proposed  
25 cost estimates, budgets, and specific milestones for

1 implementing the advanced nuclear reactor regu-  
2 latory framework by September 30, 2019.

3 (5) DESIGN CERTIFICATION STATUS.—

4 (A) IN GENERAL.—In the first budget re-  
5 quest of the Commission after the date of ac-  
6 ceptance of any design certification application  
7 for an advanced nuclear reactor, and annually  
8 thereafter, the Commission shall provide the  
9 status of performance metrics and milestone  
10 schedules for the advanced nuclear reactor.

11 (B) REQUIREMENT.—A budget request  
12 under subparagraph (A) shall include a plan to  
13 correct or recover from any milestone schedule  
14 delays for the advanced nuclear reactor, includ-  
15 ing any delays because of the inability of the  
16 Commission to commit resources for the review  
17 by the Commission of the design certification  
18 applications.

19 (k) USER FEES AND ANNUAL CHARGES.—Section  
20 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act  
21 of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

22 (1) in clause (iii), by striking “and” at the end;

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

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

1 “(v) for fiscal years ending before Oc-  
 2 tober 1, 2020, amounts appropriated to  
 3 the Commission for activities related to the  
 4 development of regulatory infrastructure  
 5 for advanced nuclear reactor technologies  
 6 (as defined in subsection (b) of section 951  
 7 of the Energy Policy Act of 2005 (42  
 8 U.S.C. 16271)).”.

9 **SEC. 3502. NEXT GENERATION NUCLEAR PLANT PROJECT.**

10 Section 642(b) of the Energy Policy Act of 2005 (42  
 11 U.S.C. 16022(b)) is amended—

12 (1) by striking paragraph (3); and

13 (2) by redesignating paragraphs (4) and (5) as  
 14 paragraphs (3) and (4), respectively.

15 **Subtitle G—Workforce**  
 16 **Development**

17 **SEC. 3601. 21ST CENTURY ENERGY WORKFORCE ADVISORY**  
 18 **BOARD.**

19 (a) ESTABLISHMENT.—The Secretary shall establish  
 20 the 21st Century Energy Workforce Advisory Board (re-  
 21 ferred to in this section as the “Board”), to develop a  
 22 strategy for the support and development of a skilled en-  
 23 ergy workforce that—

24 (1) meets the current and future industry and  
 25 labor needs of the energy sector;

1           (2) provides opportunities for students to be-  
2           come qualified for placement in traditional energy  
3           sector and clean energy sector jobs;

4           (3) aligns apprenticeship programs and work-  
5           force development programs to provide industry rec-  
6           ognized certifications and credentials;

7           (4) encourages leaders in the education system  
8           of the United States to equip students with the  
9           skills, mentorships, training, and technical expertise  
10          necessary to fill the employment opportunities vital  
11          to managing and operating the energy- and manu-  
12          facturing-related industries of the United States;

13          (5) appropriately supports other Federal agen-  
14          cies;

15          (6) strengthens and more fully engages work-  
16          force training programs of the Department and the  
17          National Laboratories in carrying out the Minorities  
18          in Energy Initiative of the Department and other  
19          Department workforce priorities;

20          (7) supports the design and replication of exist-  
21          ing model energy curricula, particularly in new and  
22          emerging technologies, that leads to industry-wide  
23          credentials;

24          (8) develops plans to support and retrain dis-  
25          placed and unemployed energy sector workers; and

1           (9) makes a Department priority to provide  
2       education and job training to underrepresented  
3       groups, including ethnic minorities, Indian tribes (as  
4       defined in section 4 of the Indian Self-Determination  
5       and Education Assistance Act (25 U.S.C. 5304)),  
6       women, veterans, and socioeconomically disadvan-  
7       taged individuals.

8       (b) MEMBERSHIP.—

9           (1) IN GENERAL.—The Board shall be com-  
10      posed of 9 members, with the initial members of the  
11      Board to be appointed by the Secretary not later  
12      than 1 year after the date of enactment of this Act.

13          (2) NOMINATIONS.—Not later than 1 year after  
14      the date of enactment of this Act, the President’s  
15      Council of Advisors on Science and Technology shall  
16      nominate for appointment to the Board under para-  
17      graph (1) not less than 18 individuals who meet the  
18      qualifications described in paragraph (3).

19          (3) QUALIFICATIONS.—Each individual nomi-  
20      nated for appointment to the Board under para-  
21      graph (1) shall—

22              (A) be eminent in the field of economics or  
23              workforce development;

24              (B) have expertise in relevant traditional  
25              energy industries and clean energy industries;

1 (C) have expertise in secondary and post-  
2 secondary education;

3 (D) have expertise in energy workforce de-  
4 velopment or apprentice programs of States and  
5 units of local government;

6 (E) have expertise in relevant organized  
7 labor organizations; or

8 (F) have expertise in bringing underrep-  
9 resented groups, including ethnic minorities,  
10 women, veterans, and socioeconomically dis-  
11 advantaged individuals, into the workforce.

12 (4) REPRESENTATION.—The membership of the  
13 Board shall be representative of the broad range of  
14 the energy industry, labor organizations, workforce  
15 development, education, minority participation, cy-  
16 bersecurity, and economics disciplines related to ac-  
17 tivities carried out under this section.

18 (5) LIMITATION.—No individual shall be nomi-  
19 nated for appointment to the Board who is an em-  
20 ployee of an entity applying for a grant under sec-  
21 tion 3602.

22 (c) ADVISORY BOARD REVIEW AND RECOMMENDA-  
23 TIONS.—

1           (1) DETERMINATION BY BOARD.—In developing  
2       the strategy required under subsection (a), the  
3       Board shall—

4           (A) determine whether there are opportuni-  
5       ties to more effectively and efficiently use the  
6       capabilities of the Department in the develop-  
7       ment of a skilled energy workforce;

8           (B) identify ways in which the Department  
9       could work with other relevant Federal agen-  
10      cies, States, units of local government, edu-  
11      cational institutions, labor, and industry in the  
12      development of a skilled energy workforce;

13          (C) identify ways in which the Department  
14      and National Laboratories can—

15           (i) increase outreach to minority-serv-  
16      ing institutions; and

17           (ii) make resources available to in-  
18      crease the number of skilled minorities and  
19      women trained to go into the energy- and  
20      manufacturing-related sectors;

21          (D) identify ways in which the Department  
22      and National Laboratories can—

23           (i) increase outreach to displaced and  
24      unemployed energy sector workers; and

1 (ii) make resources available to pro-  
2 vide training to displaced and unemployed  
3 energy sector workers to reenter the en-  
4 ergy workforce; and

5 (E) identify the energy sectors in greatest  
6 need of workforce training and develop guide-  
7 lines for the skills necessary to develop a work-  
8 force trained to work in those energy sectors.

9 (2) REQUIRED ANALYSIS.—In developing the  
10 strategy required under subsection (a), the Board  
11 shall analyze the effectiveness of—

12 (A) existing Department directed support;  
13 and

14 (B) developing energy workforce training  
15 programs.

16 (3) REPORT.—Not later than 1 year after the  
17 date on which the Board is established under this  
18 section, and each year thereafter, the Board shall  
19 submit to the Secretary and Congress, and make  
20 public, a report containing the findings of the Board  
21 and model energy curricula with respect to the strat-  
22 egy required to be developed under subsection (a).

23 (d) REPORT BY SECRETARY.—Not later than 18  
24 months after the date on which the Board is established  
25 under this section, the Secretary shall submit to the Com-



1 mittees on Appropriations of Senate and the House of  
2 Representatives, the Committee on Energy and Natural  
3 Resources of the Senate, and the Committee on Energy  
4 and Commerce of the House of Representatives a report  
5 that—

6           (1) describes whether the Secretary approves or  
7       disapproves the recommendations of the Board  
8       under subsection (c)(3); and

9           (2) provides an implementation plan for rec-  
10      ommendations approved by the Board under para-  
11      graph (1).

12       (e) CLEARINGHOUSE.—Based on the recommenda-  
13      tions of the Board, the Secretary shall establish a clearing-  
14      house—

15           (1) to maintain and update information and re-  
16      sources on training and workforce development pro-  
17      grams for energy- and manufacturing-related jobs;  
18      and

19           (2) to act as a resource, and provide guidance,  
20      for secondary schools, institutions of higher edu-  
21      cation (including community colleges and minority-  
22      serving institutions), workforce development organi-  
23      zations, labor management organizations, and indus-  
24      try organizations that would like to develop and im-

1       plement energy- and manufacturing-related training  
2       programs.

3       (f) OUTREACH TO MINORITY-SERVING INSTITU-  
4 TIONS.—In developing the strategy under subsection (a),  
5 the Board shall—

6           (1) give special consideration to increasing out-  
7 reach to minority-serving institutions (including his-  
8 torically black colleges and universities, predomi-  
9 nantly black institutions, Hispanic serving institu-  
10 tions, and tribal institutions);

11          (2) make resources available to minority-serving  
12 institutions with the objective of increasing the num-  
13 ber of skilled minorities and women trained to go  
14 into the energy and manufacturing sectors; and

15          (3) encourage industry to improve the opportu-  
16 nities for students of minority-serving institutions to  
17 participate in industry internships and cooperative  
18 work-study programs.

19       (g) SUNSET.—The Board established under this sec-  
20 tion shall remain in effect until September 30, 2021.

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

22       (a) IN GENERAL.—Not later than 1 year after the  
23 date of enactment of this Act, the Secretary, in consulta-  
24 tion with the Secretary of Labor and the Secretary of  
25 Education, shall establish a pilot program to award grants

1 on a competitive basis to eligible entities for job training  
2 programs that lead to an industry-recognized credential.

3 (b) ELIGIBILITY.—To be eligible to receive a grant  
4 under this section, an entity shall be a public or nonprofit  
5 organization or a consortium of public or nonprofit organi-  
6 zations that—

7 (1) includes an advisory board of proportional  
8 participation, as determined by the Secretary, of rel-  
9 evant organizations, including—

10 (A) relevant energy industry organizations,  
11 including public and private employers;

12 (B) labor organizations;

13 (C) postsecondary education organizations;

14 and

15 (D) workforce development boards;

16 (2) demonstrates experience in implementing  
17 and operating job training and education programs;

18 (3) demonstrates the ability to recruit and sup-  
19 port individuals who plan to work in the energy in-  
20 dustry in the successful completion of relevant job  
21 training and education programs; and

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

1       (c) APPLICATIONS.—Eligible entities desiring a grant  
2 under this section shall submit to the Secretary an appli-  
3 cation at such time, in such manner, and containing such  
4 information as the Secretary may require.

5       (d) PRIORITY.—In selecting eligible entities to receive  
6 grants under this section, the Secretary shall prioritize ap-  
7 plicants that—

8           (1) house the job training and education pro-  
9 grams in—

10               (A) a community college or institution of  
11 higher education that includes basic science and  
12 math education in the curriculum of the com-  
13 munity college, institution of higher education;  
14 or

15               (B) an apprenticeship program registered  
16 with the Department of Labor or a State (as  
17 defined in 202 of the Energy Conservation and  
18 Production Act (42 U.S.C. 6802)) (referred to  
19 in this section as the “State”);

20           (2) work with the Secretary of Defense and the  
21 Secretary of Veterans Affairs or veteran service or-  
22 ganizations recognized by the Secretary of Veterans  
23 Affairs under section 5902 of title 38, United States  
24 Code, to transition members of the Armed Forces  
25 and veterans to careers in the energy sector;

1           (3) work with Indian tribes (as defined in sec-  
2           tion 4 of the Indian Self-Determination and Edu-  
3           cation Assistance Act (25 U.S.C. 5304)), tribal or-  
4           ganizations (as defined in section 3765 of title 38,  
5           United States Code), and Native American veterans  
6           (as defined in section 3765 of title 38, United States  
7           Code), including veterans who are a descendant of a  
8           Native (as defined in section 3 of the Alaska Native  
9           Claims Settlement Act (43 U.S.C. 1602);

10          (4) apply as a State or regional consortia to le-  
11          verage best practices already available in the State  
12          or region in which the community college or institu-  
13          tion of higher education is located;

14          (5) have a State-supported entity included in  
15          the consortium applying for the grant;

16          (6) include an apprenticeship program reg-  
17          istered with the Department of Labor or a State as  
18          part of the job training and education program;

19          (7) provide support services and career coach-  
20          ing;

21          (8) provide introductory energy workforce devel-  
22          opment training;

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

1           (10) provide job training for displaced and un-  
2       employed workers in the energy sector;

3           (11) establish a community college or 2-year  
4       technical college-based “Center of Excellence” for an  
5       energy and maritime workforce technical training  
6       program; or

7           (12) are located in close proximity to marine or  
8       port facilities in the Gulf of Mexico, Atlantic Ocean,  
9       Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of  
10      Alaska, or Great Lakes.

11       (e) ADDITIONAL CONSIDERATION.—In making  
12      grants under this section, the Secretary shall consider re-  
13      gional diversity.

14       (f) LIMITATION ON APPLICATIONS.—An eligible enti-  
15      ty may not submit, either individually or as part of a joint  
16      application, more than 1 application for a grant under this  
17      section during any 1 fiscal year.

18       (g) LIMITATIONS ON AMOUNT OF GRANT.—The  
19      amount of an individual grant for any 1 year shall not  
20      exceed \$1,000,000.

21       (h) COST SHARING.—

22           (1) FEDERAL SHARE.—The Federal share of  
23      the cost of a job training and education program  
24      carried out using a grant under this section shall be  
25      not greater than 65 percent.

1           (2) NON-FEDERAL SHARE.—

2           (A) IN GENERAL.—The non-Federal share  
3           of the cost of a job training and education pro-  
4           gram carried out using a grant under this sec-  
5           tion shall consist of not less than 50 percent  
6           cash.

7           (B) LIMITATION.—Not greater than 50  
8           percent of the non-Federal contribution of the  
9           total cost of a job training and education pro-  
10          gram carried out using a grant under this sec-  
11          tion shall be in the form of in-kind contribu-  
12          tions of goods or services fairly valued.

13          (i) REDUCTION OF DUPLICATION.—Prior to submit-  
14          ting an application for a grant under this section, each  
15          applicant shall consult with the appropriate agencies of  
16          the Federal Government and coordinate the proposed ac-  
17          tivities of the applicant with existing State and local pro-  
18          grams.

19          (j) DIRECT ASSISTANCE.—In awarding grants under  
20          this section, the Secretary shall provide direct assistance  
21          (including technical expertise, wraparound services, career  
22          coaching, mentorships, internships, and partnerships) to  
23          entities that receive a grant under this section.

24          (k) TECHNICAL ASSISTANCE.—The Secretary shall  
25          provide technical assistance and capacity building to na-

1 tional and State energy partnerships, including the enti-  
 2 ties described in subsection (b)(1), to leverage the existing  
 3 job training and education programs of the Department.

4 (l) REPORT.—The Secretary shall submit to Congress  
 5 and make publicly available on the website of the Depart-  
 6 ment an annual report on the program established under  
 7 this section, including a description of—

8 (1) the entities receiving grants;

9 (2) the activities carried out using the grants;

10 (3) best practices used to leverage the invest-  
 11 ment of the Federal Government;

12 (4) the rate of employment for participants  
 13 after completing a job training and education pro-  
 14 gram carried out using a grant; and

15 (5) an assessment of the results achieved by the  
 16 program.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—There is  
 18 authorized to be appropriated to carry out this section  
 19 \$20,000,000 for each of fiscal years 2018 through 2021.

## 20 **Subtitle H—Recycling**

### 21 **SEC. 3701. RECYCLED CARBON FIBER.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Secretary shall conduct  
 24 a study on—



1 (A) the technology of recycled carbon fiber  
2 and production waste carbon fiber; and

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

5 (2) FACTORS FOR CONSIDERATION.—In con-  
6 ducting the study under paragraph (1), the Sec-  
7 retary shall consider—

8 (A) the quantity of recycled carbon fiber or  
9 production waste carbon fiber that would make  
10 the use of recycled carbon fiber or production  
11 waste carbon fiber economically viable;

12 (B) any existing or potential barriers to re-  
13 cycling carbon fiber or using recycled carbon  
14 fiber;

15 (C) any financial incentives that may be  
16 necessary for the development of recycled car-  
17 bon fiber or production waste carbon fiber;

18 (D) the potential lifecycle savings in energy  
19 from producing recycled carbon fiber, as com-  
20 pared to producing new carbon fiber;

21 (E) the best uses for recycled carbon fiber;

22 (F) the potential reduction in carbon diox-  
23 ide emissions from producing recycled carbon  
24 fiber, as compared to producing new carbon  
25 fiber;

1           (G) the economic benefits gained from  
2           using recycled carbon fiber or production waste  
3           carbon fiber;

4           (H) workforce training and skills needed to  
5           address labor demands in the development of  
6           recycled carbon fiber or production waste car-  
7           bon fiber; and

8           (I) how the Department can leverage exist-  
9           ing efforts in the industry on the use of produc-  
10          tion waste carbon fiber.

11          (3) REPORT.—Not later than 1 year after the  
12          date of enactment of this Act, the Secretary shall  
13          submit to Congress a report describing the results of  
14          the study conducted under paragraph (1).

15          (b) RECYCLED CARBON FIBER DEMONSTRATION  
16          PROJECT.—On completion of the study required under  
17          subsection (a)(1), the Secretary shall consult with the  
18          aviation and automotive industries and existing programs  
19          of the Advanced Manufacturing Office of the Department  
20          to develop a carbon fiber recycling demonstration project.

21          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
22          authorized to be appropriated to the Secretary to carry  
23          out this section \$10,000,000, to remain available until ex-  
24          pend.

1 **SEC. 3702. ENERGY GENERATION AND REGULATORY RE-**  
2 **LIEF STUDY REGARDING RECOVERY AND**  
3 **CONVERSION OF NONRECYCLED MIXED**  
4 **PLASTICS.**

5 (a) DEFINITIONS.—In this section:

6 (1) ENGINEERED FUEL.—The term “engi-  
7 neered fuel” means a solid fuel that is manufactured  
8 from nonrecycled constituents of municipal solid  
9 waste or other secondary materials.

10 (2) GASIFICATION.—The term “gasification”  
11 means a process through which nonrecycled waste is  
12 heated and converted to synthesis gas in an oxygen-  
13 deficient atmosphere, which can be converted into  
14 fuels such as ethanol or other chemical feedstocks.

15 (3) NONRECYCLED PLASTICS.—The term “non-  
16 recycled plastics” means post-use plastics that are  
17 not recycled in commercial markets.

18 (4) PYROLYSIS.—The term “pyrolysis” means a  
19 process through which nonrecycled plastics are heat-  
20 ed in the absence of oxygen until melted and ther-  
21 mally decomposed, and are then cooled, condensed,  
22 and converted into synthetic crude oil or refined into  
23 synthetic fuels and feedstocks such as diesel or  
24 naphtha.

25 (b) STUDY.—With respect to nonrecycled mixed plas-  
26 tics that are part of municipal solid waste or other sec-

1   ondary materials in the United States (and are often de-  
2   posited in landfills), the Secretary shall conduct a study  
3   to determine the manner in which the United States can  
4   make progress toward a cost-effective system (including  
5   with respect to environmental issues) through which pyrol-  
6   ysis, gasification, and other innovative technologies such  
7   as engineered fuels are used to convert such plastics, alone  
8   or in combination with other municipal solid waste or sec-  
9   ondary materials, into materials that can be used to gen-  
10   erate electric energy or fuels or as chemical feedstocks.

11       (c) COMPLETION OF STUDY.—Not later than 2 years  
12   after the date of enactment of this Act, the Secretary shall  
13   complete the study described in subsection (b) and submit  
14   to the appropriate committees of Congress reports pro-  
15   viding findings and recommendations developed through  
16   the study.

17       (d) FUNDING.—The Secretary may use unobligated  
18   funds of the Department to carry out this section.

19   **SEC. 3703. ELIGIBLE PROJECTS.**

20       Section 1703(b)(1) of the Energy Policy Act of 2005  
21   (42 U.S.C. 16513(b)(1)) is amended by inserting “(ex-  
22   cluding the burning of commonly recycled paper that has  
23   been segregated from solid waste to generate electricity)”  
24   after “systems”.

# **TITLE IV—ACCOUNTABILITY**

## **Subtitle A—Loan Programs**

### **SEC. 4001. TERMS AND CONDITIONS FOR INCENTIVES FOR INNOVATIVE TECHNOLOGIES.**

#### **(a) BORROWER PAYMENT OF SUBSIDY COST.—**

(1) IN GENERAL.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

#### **“(1) BORROWER PAYMENT OF SUBSIDY COST.—**

“(1) IN GENERAL.—In addition to the requirement in subsection (b)(1), no guarantee shall be made unless the Secretary has received from the borrower not less than 25 percent of the cost of the guarantee.

“(2) ESTIMATE.—The Secretary shall provide to the borrower, as soon as practicable, an estimate or range of the cost of the guarantee under paragraph (1).”.

(2) CONFORMING AMENDMENT.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) is amended—

(A) by striking “(1) IN GENERAL.—No guarantee” and inserting the following: “Subject to subsection (l), no guarantee”;

1 (B) by redesignating subparagraphs (A),  
 2 (B), and (C) as paragraphs (1), (2), and (3),  
 3 respectively, and indenting appropriately; and

4 (C) in paragraph (3) (as so redesign-  
 5 nated)—

6 (i) by striking “subparagraph (A)”  
 7 and inserting “paragraph (1)”; and

8 (ii) by striking “subparagraph (B)”  
 9 and inserting “paragraph (2)”.

10 (3) EFFECTIVE DATE.—The amendments made  
 11 by paragraphs (1) and (2) shall take effect on Octo-  
 12 ber 1, 2019.

13 (b) PROHIBITION ON SUBORDINATION OF DEBT.—  
 14 Section 1702(d)(3) of the Energy Policy Act of 2005 (42  
 15 U.S.C. 16512(d)(3)) is amended by striking “is not subor-  
 16 dinate” and inserting “(including any reorganization, re-  
 17 structuring, or termination of the obligation) shall not at  
 18 any time be subordinate”.

19 (c) LOAN PROGRAM TRANSPARENCY.—Section 1703  
 20 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is  
 21 amended by adding at the end the following:

22 “(f) LOAN STATUS.—

23 “(1) REQUEST.—If the Secretary does not  
 24 make a final decision on an application for a loan  
 25 guarantee under this section by the date that is 270

1 days after receipt of the application by the Sec-  
2 retary, on that date and every 90 days thereafter  
3 until the final decision is made, the applicant may  
4 request that the Secretary provide to the applicant  
5 a description of the status of the application.

6 “(2) RESPONSE.—Not later than 10 days after  
7 receiving a request from an applicant under para-  
8 graph (1), the Secretary shall provide to the appli-  
9 cant a response that includes—

10 “(A) a summary of any factors that are  
11 delaying a final decision on the application; and

12 “(B) an estimate of when review of the ap-  
13 plication will be completed.”.

14 (d) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT  
15 OF RENEWABLE ENERGY AND ELECTRIC POWER TRANS-  
16 MISSION PROJECTS.—

17 (1) REPEAL.—Section 1705 of the Energy Pol-  
18 icy Act of 2005 (42 U.S.C. 16516) is repealed.

19 (2) RESCISSION.—There is rescinded the unob-  
20 ligated balance of amounts made available to carry  
21 out the loan guarantee program established under  
22 section 1705 of the Energy Policy Act of 2005 (42  
23 U.S.C. 16516) (before the amendment made by  
24 paragraph (1)).

1           (3) MANAGEMENT.—The Secretary shall ensure  
 2           rigorous continued management and oversight of all  
 3           outstanding loans guaranteed under the program de-  
 4           scribed in subsection (b) until those loans have been  
 5           repaid in full.

6   **SEC. 4002. STATE LOAN ELIGIBILITY.**

7           (a) DEFINITIONS.—Section 1701 of the Energy Pol-  
 8           icy Act of 2005 (42 U.S.C. 16511) is amended by adding  
 9           at the end the following:

10           “(6) STATE.—The term ‘State’ has the mean-  
 11           ing given the term in section 202 of the Energy  
 12           Conservation and Production Act (42 U.S.C. 6802).

13           “(7) STATE ENERGY FINANCING INSTITU-  
 14           TION.—

15           “(A) IN GENERAL.—The term ‘State en-  
 16           ergy financing institution’ means a quasi-inde-  
 17           pendent entity or an entity within a State agen-  
 18           cy or financing authority established by a  
 19           State—

20           “(i) to provide financing support or  
 21           credit enhancements, including loan guar-  
 22           antees and loan loss reserves, for eligible  
 23           projects; and

24           “(ii) to create liquid markets for eligi-  
 25           ble projects, including warehousing and



1            securitization, or take other steps to reduce  
 2            financial barriers to the deployment of ex-  
 3            isting and new eligible projects.

4            “(B) INCLUSION.—The term ‘State energy  
 5            financing institution’ includes an entity or orga-  
 6            nization established to achieve the purposes de-  
 7            scribed in clauses (i) and (ii) of subparagraph  
 8            (A) by an Indian tribal entity or an Alaska Na-  
 9            tive Corporation.”.

10        (b) TERMS AND CONDITIONS.—Section 1702 of the  
 11        Energy Policy Act of 2005 (42 U.S.C. 16512) (as amend-  
 12        ed by section 4001(a)(1)) is amended—

13            (1) in subsection (a), by inserting “or to a  
 14            State energy financing institution” after “for  
 15            projects”; and

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

17            “(m) STATE ENERGY FINANCING INSTITUTIONS.—

18            “(1) ELIGIBILITY.—To be eligible for a guar-  
 19            antee under this title, a State energy financing insti-  
 20            tution—

21            “(A) shall meet the requirements of section  
 22            1703(a)(1); and

23            “(B) shall not be required to meet the re-  
 24            quirements of section 1703(a)(2).

1           “(2) PARTNERSHIPS AUTHORIZED.—In car-  
 2       rying out a project receiving a loan guarantee under  
 3       this title, State energy financing institutions may  
 4       enter into partnerships with private entities, tribal  
 5       entities, and Alaska Native corporations.

6           “(3) PROHIBITION ON USE OF APPROPRIATED  
 7       FUNDS.—Amounts appropriated to the Department  
 8       of Energy before the date of enactment of this sub-  
 9       section shall not be available to be used for the cost  
 10      of loan guarantees made to State energy financing  
 11      institutions under this subsection.”.

12 **SEC. 4003. FEES FOR LOANS.**

13       Section 136 of the Energy Independence and Security  
 14      Act of 2007 (42 U.S.C. 17013) is amended by striking  
 15      subsection (f) and inserting the following:

16       “(f) FEES.—

17           “(1) IN GENERAL.—The Secretary shall charge  
 18       and collect fees for loans provided under this section  
 19       in amounts that the Secretary determines are suffi-  
 20       cient to cover applicable administrative expenses as-  
 21       sociated with the loans, including reasonable closing  
 22       fees on the loans.

23           “(2) AVAILABILITY.—Fees collected under  
 24       paragraph (1) shall—

1 “(A) be deposited by the Secretary into the  
2 Treasury; and

3 “(B) remain available until expended, sub-  
4 ject to such other conditions as are contained in  
5 annual appropriations Acts.”.

6 **SEC. 4004. DEPARTMENT OF ENERGY INDIAN ENERGY EDU-**  
7 **CATION PLANNING AND MANAGEMENT AS-**  
8 **SISTANCE PROGRAM.**

9 Section 2602(b)(6) of the Energy Policy Act of 1992  
10 (25 U.S.C. 3502(b)(6)) is amended by striking “2016”  
11 and inserting “2027”.

12 **Subtitle B—Energy-Water Nexus**

13 **SEC. 4101. NEXUS OF ENERGY AND WATER FOR SUSTAIN-**  
14 **ABILITY.**

15 (a) DEFINITIONS.—In this section:

16 (1) ENERGY-WATER NEXUS.—The term “en-  
17 ergy-water nexus” means the links between—

18 (A) the water needed to produce fuels,  
19 electricity, and other forms of energy; and

20 (B) the energy needed to transport, re-  
21 claim, and treat water and wastewater.

22 (2) INTERAGENCY COORDINATION COM-  
23 MITTEE.—The term “Interagency Coordination  
24 Committee” means the Committee on the Nexus of  
25 Energy and Water for Sustainability (or the

1 “NEWS Committee”) established under subsection  
2 (b)(1).

3 (3) NEXUS OF ENERGY AND WATER SUSTAIN-  
4 ABILITY OFFICE; NEWS OFFICE.—The term “Nexus  
5 of Energy and Water Sustainability Office” or the  
6 “NEWS Office” means an office located at the De-  
7 partment and managed in cooperation with the De-  
8 partment of the Interior pursuant to an agreement  
9 between the 2 agencies to carry out leadership and  
10 administrative functions for the Interagency Coordi-  
11 nation Committee.

12 (4) RD&D ACTIVITIES.—The term “RD&D ac-  
13 tivities” means research, development, and dem-  
14 onstration activities.

15 (b) INTERAGENCY COORDINATION COMMITTEE.—

16 (1) ESTABLISHMENT.—Not later than 180 days  
17 after the date of enactment of this Act, the Sec-  
18 retary and the Secretary of the Interior shall estab-  
19 lish the joint NEWS Office and Interagency Coordi-  
20 nation Committee on the Nexus of Energy and  
21 Water for Sustainability (or the “NEWS Com-  
22 mittee”) to carry out the duties described in para-  
23 graph (3).

24 (2) ADMINISTRATION.—

1 (A) CHAIRS.—The Secretary and the Sec-  
2 retary of the Interior shall jointly manage the  
3 NEWS Office and serve as co-chairs of the  
4 Interagency Coordination Committee.

5 (B) MEMBERSHIP; STAFFING.—Member-  
6 ship and staffing shall be determined by the co-  
7 chairs.

8 (3) DUTIES.—The Interagency Coordination  
9 Committee shall—

10 (A) serve as a forum for developing com-  
11 mon Federal goals and plans on energy-water  
12 nexus RD&D activities in coordination with the  
13 National Science and Technology Council;

14 (B) not later than 1 year after the date of  
15 enactment of this Act, and biannually there-  
16 after, issue a strategic plan on energy-water  
17 nexus RD&D activities priorities and objectives;

18 (C) convene and promote coordination of  
19 the activities of Federal departments and agen-  
20 cies on energy-water nexus RD&D activities, in-  
21 cluding the activities of—

22 (i) the Department;

23 (ii) the Department of the Interior;

24 (iii) the Corps of Engineers;

25 (iv) the Department of Agriculture;

- 1 (v) the Department of Defense;  
2 (vi) the Department of State;  
3 (vii) the Environmental Protection  
4 Agency;  
5 (viii) the Council on Environmental  
6 Quality;  
7 (ix) the National Institute of Stand-  
8 ards and Technology;  
9 (x) the National Oceanic and Atmos-  
10 pheric Administration;  
11 (xi) the National Science Foundation;  
12 (xii) the Office of Management and  
13 Budget;  
14 (xiii) the Office of Science and Tech-  
15 nology Policy;  
16 (xiv) the National Aeronautics and  
17 Space Administration; and  
18 (xv) such other Federal departments  
19 and agencies as the Interagency Coordina-  
20 tion Committee considers appropriate;  
21 (D)(i) coordinate and develop capabilities  
22 and methodologies for data collection, manage-  
23 ment, and dissemination of information related  
24 to energy-water nexus RD&D activities from

1 and to other Federal departments and agencies;  
2 and

3 (ii) promote information exchange between  
4 Federal departments and agencies—

5 (I) to identify and document Federal  
6 and non-Federal programs and funding op-  
7 portunities that support basic and applied  
8 research, development, and demonstration  
9 proposals to advance energy-water nexus  
10 related science and technologies;

11 (II) to leverage existing programs by  
12 encouraging joint solicitations, block  
13 grants, and matching programs with non-  
14 Federal entities; and

15 (III) to identify opportunities for do-  
16 mestic and international public-private  
17 partnerships, innovative financing mecha-  
18 nisms, information and data exchange;

19 (E) promote the integration of energy-  
20 water nexus considerations into existing Federal  
21 water, energy, and other natural resource, in-  
22 frastructure, and science programs at the na-  
23 tional and regional levels and with programs  
24 administered in partnership with non-Federal  
25 entities; and

1 (F) not later than 1 year after the date of  
2 enactment of this Act, issue a report on the po-  
3 tential benefits and feasibility of establishing an  
4 energy-water center of excellence within the Na-  
5 tional Laboratories (as that term is defined in  
6 section 2 of the Energy Policy Act of 2005 (42  
7 U.S.C. 15801)).

8 (4) NO REGULATION.—Nothing in this sub-  
9 section grants to the Interagency Coordination Com-  
10 mittee the authority to promulgate regulations or set  
11 standards.

12 (5) REVIEW; REPORT.—At the end of the 5-  
13 year period beginning on the date on which the  
14 Interagency Coordination Committee and NEWS Of-  
15 fice are established, the NEWS Office shall—

16 (A) review the activities, relevance, and ef-  
17 fectiveness of the Interagency Coordination  
18 Committee; and

19 (B) submit to the Committee on Energy  
20 and Natural Resources of the Senate and the  
21 Committees on Science, Space, and Technology,  
22 Energy and Commerce, and Natural Resources  
23 of the House of Representatives a report that—

24 (i) describes the results of the review  
25 conducted under subparagraph (A); and



1 (ii) includes a recommendation on  
2 whether the Interagency Coordination  
3 Committee should continue.

4 (c) CROSSCUT BUDGET.—Not later than 30 days  
5 after the President submits the budget of the United  
6 States Government under section 1105 of title 31, United  
7 States Code, the co-chairs of the Interagency Coordination  
8 Committee (acting through the NEWS Office) shall sub-  
9 mit to the Committee on Energy and Natural Resources  
10 of the Senate and the Committees on Science, Space, and  
11 Technology, Energy and Commerce, and Natural Re-  
12 sources of the House of Representatives, an interagency  
13 budget crosscut report that displays at the program-,  
14 project-, and activity-level for each of the Federal agencies  
15 that carry out or support (including through grants, con-  
16 tracts, interagency and intraagency transfers, and  
17 multiyear and no-year funds) basic and applied RD&D ac-  
18 tivities to advance the energy-water nexus related science  
19 and technologies—

20 (1) the budget proposed in the budget request  
21 of the President for the upcoming fiscal year;

22 (2) expenditures and obligations for the prior  
23 fiscal year; and

24 (3) estimated expenditures and obligations for  
25 the current fiscal year.

1 **SEC. 4102. SMART ENERGY AND WATER EFFICIENCY PILOT**  
 2 **PROGRAM.**

3 Subtitle A of title IX of the Energy Policy Act of  
 4 2005 (42 U.S.C. 16191 et seq.) is amended by adding at  
 5 the end the following:

6 **“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT**  
 7 **PROGRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 10 tity’ means—

11 “(A) a utility;

12 “(B) a municipality;

13 “(C) a water district;

14 “(D) an Indian tribe or Alaska Native vil-  
 15 lage; and

16 “(E) any other authority that provides  
 17 water, wastewater, or water reuse services.

18 “(2) SMART ENERGY AND WATER EFFICIENCY  
 19 PILOT PROGRAM.—The term ‘smart energy and  
 20 water efficiency pilot program’ or ‘pilot program’  
 21 means the pilot program established under sub-  
 22 section (b).

23 “(b) SMART ENERGY AND WATER EFFICIENCY  
 24 PILOT PROGRAM.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2       lish and carry out a smart energy and water effi-  
3       ciency pilot program in accordance with this section.

4           “(2) PURPOSE.—The purpose of the smart en-  
5       ergy and water efficiency pilot program is to award  
6       grants to eligible entities to demonstrate unique, ad-  
7       vanced, or innovative technology-based solutions that  
8       will—

9           “(A) improve the net energy balance of  
10      water, wastewater, and water reuse systems;

11          “(B) improve the net energy balance of  
12      water, wastewater, and water reuse systems to  
13      help communities across the United States  
14      make measurable progress in conserving water,  
15      saving energy, and reducing costs;

16          “(C) support the implementation of inno-  
17      vative and unique processes and the installation  
18      of established advanced automated systems that  
19      provide real-time data on energy and water; and

20          “(D) improve energy-water conservation  
21      and quality and predictive maintenance through  
22      technologies that utilize internet connected  
23      technologies, including sensors, intelligent gate-  
24      ways, and security embedded in hardware.

25          “(3) PROJECT SELECTION.—

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

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

8                   “(i) energy and cost savings;

9                   “(ii) the uniqueness, commercial via-  
10           bility, and reliability of the technology to  
11           be used;

12                   “(iii) the degree to which the project  
13           integrates next-generation sensors soft-  
14           ware, analytics, and management tools;

15                   “(iv) the anticipated cost-effectiveness  
16           of the pilot project through measurable en-  
17           ergy savings, water savings or reuse, and  
18           infrastructure costs averted;

19                   “(v) whether the technology can be  
20           deployed in a variety of geographic regions  
21           and the degree to which the technology can  
22           be implemented in a wide range of applica-  
23           tions ranging in scale from small towns to  
24           large cities, including tribal communities;

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

3 “(vii) whether the technology was  
4 sourced from a manufacturer based in the  
5 United States; and

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

8 “(C) APPLICATIONS.—

9 “(i) IN GENERAL.—Subject to clause  
10 (ii), an eligible entity seeking a grant  
11 under the pilot program shall submit to  
12 the Secretary an application at such time,  
13 in such manner, and containing such infor-  
14 mation as the Secretary determines to be  
15 necessary.

16 “(ii) CONTENTS.—An application  
17 under clause (i) shall, at a minimum, in-  
18 clude—

19 “(I) a description of the project;

20 “(II) a description of the tech-  
21 nology to be used in the project;

22 “(III) the anticipated results, in-  
23 cluding energy and water savings, of  
24 the project;

1 “(IV) a comprehensive budget for  
2 the project;

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

5 “(VI) the number of users to be  
6 served by the project;

7 “(VII) a description of the ways  
8 in which the proposal would meet per-  
9 formance measures established by the  
10 Secretary; and

11 “(VIII) any other information  
12 that the Secretary determines to be  
13 necessary to complete the review and  
14 selection of a grant recipient.

15 “(4) ADMINISTRATION.—

16 “(A) IN GENERAL.—Not later than 300  
17 days after the date of enactment of this section,  
18 the Secretary shall select grant recipients under  
19 this section.

20 “(B) EVALUATIONS.—

21 “(i) ANNUAL EVALUATIONS.—The  
22 Secretary shall annually carry out an eval-  
23 uation of each project for which a grant is  
24 provided under this section that meets per-  
25 formance measures and benchmarks devel-

1           oped by the Secretary, consistent with the  
2           purposes of this section.

3           “(ii)     REQUIREMENTS.—Consistent  
4           with the performance measures and bench-  
5           marks developed under clause (i), in car-  
6           rying out an evaluation under that clause,  
7           the Secretary shall—

8                     “(I) evaluate the progress and  
9                     impact of the project; and

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

13           “(C) TECHNICAL AND POLICY ASSIST-  
14           ANCE.—On the request of a grant recipient, the  
15           Secretary shall provide technical and policy as-  
16           sistance.

17           “(D) BEST PRACTICES.—The Secretary  
18           shall make available to the public through the  
19           Internet and other means the Secretary con-  
20           siders to be appropriate—

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

23                    “(ii) a description of any best prac-  
24                    tices identified by the Secretary as a result  
25                    of those evaluations.

1                   “(E) REPORT TO CONGRESS.—The Sec-  
 2                   retary shall submit to Congress a report con-  
 3                   taining the results of each evaluation carried  
 4                   out under subparagraph (B).

5                   “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 6                   is authorized to be appropriated to carry out this section  
 7                   \$15,000,000, to remain available until expended.”.

## 8                   **Subtitle C—Innovation and Office** 9                   **of Science**

### 10                   **PART I—INNOVATION**

#### 11                   **SEC. 4201. INCLUSION OF EARLY STAGE TECHNOLOGY** 12                   **DEMONSTRATION IN AUTHORIZED TECH-** 13                   **NOLOGY TRANSFER ACTIVITIES.**

14                   Section 1001 of the Energy Policy Act of 2005 (42  
 15                   U.S.C. 16391) is amended—

16                   (1) by redesignating subsection (g) as sub-  
 17                   section (h); and

18                   (2) by inserting after subsection (f) the fol-  
 19                   lowing:

20                   “(g) EARLY STAGE TECHNOLOGY DEMONSTRA-  
 21                   TION.—The Secretary shall permit the directors of the Na-  
 22                   tional Laboratories to use funds authorized to support  
 23                   technology transfer within the Department to carry out  
 24                   early stage and precommercial technology demonstration  
 25                   activities to remove technology barriers that limit private



1 sector interest and demonstrate potential commercial ap-  
2 plications of any research and technologies arising from  
3 National Laboratory activities.”.

4 **SEC. 4202. SENSE OF CONGRESS ON ACCELERATING EN-**  
5 **ERGY INNOVATION.**

6 It is the sense of Congress that—

7 (1) although important progress has been made  
8 in cost reduction and deployment of clean energy  
9 technologies, accelerating clean energy innovation  
10 will help meet critical competitiveness, energy secu-  
11 rity, and environmental goals;

12 (2) accelerating the pace of clean energy inno-  
13 vation in the United States calls for—

14 (A) supporting existing research and devel-  
15 opment programs at the Department and the  
16 world-class National Laboratories (as defined in  
17 section 2 of the Energy Policy Act of 2005 (42  
18 U.S.C. 15801));

19 (B) exploring and developing new path-  
20 ways for innovators, investors, and decision-  
21 makers to leverage the resources of the Depart-  
22 ment for addressing the challenges and com-  
23 parative strengths of geographic regions; and

24 (C) recognizing the financial constraints of  
25 the Department, regularly reviewing clean en-

1           ergy programs to ensure that taxpayer invest-  
2           ments are maximized;

3           (3) the energy supply, demand, policies, mar-  
4           kets, and resource options of the United States vary  
5           by geographic region;

6           (4) a regional approach to innovation can  
7           bridge the gaps between local talent, institutions,  
8           and industries to identify opportunities and convert  
9           United States investment into domestic companies;  
10          and

11          (5) Congress, the Secretary, and energy indus-  
12          try participants should advance efforts that promote  
13          international, domestic, and regional cooperation on  
14          the research and development of energy innovations  
15          that—

16                (A) provide clean, affordable, and reliable  
17                energy for everyone;

18                (B) promote economic growth;

19                (C) are critical for energy security; and

20                (D) are sustainable without government  
21                support.

22   **SEC. 4203. RESTORATION OF LABORATORY DIRECTED RE-**  
23   **SEARCH AND DEVELOPMENT PROGRAM.**

24          The Secretary shall ensure that laboratory operating  
25          contractors do not allocate costs of general and adminis-

1 trative overhead to laboratory directed research and devel-  
2 opment.

3 **SEC. 4204. RESEARCH GRANTS DATABASE.**

4 (a) IN GENERAL.—The Secretary shall establish and  
5 maintain a public database, accessible on the website of  
6 the Department, that contains a searchable listing of each  
7 unclassified research and development project contract,  
8 grant, cooperative agreement, task order for a federally  
9 funded research and development center, or other trans-  
10 action administered by the Department.

11 (b) CLASSIFIED PROJECTS.—Each year, the Sec-  
12 retary shall submit to the appropriate committees of Con-  
13 gress a report that contains a listing of each classified re-  
14 search and development project contract, grant, coopera-  
15 tive agreement, task order for a federally funded research  
16 and development center, or other transaction administered  
17 by the Department, including all relevant details of the  
18 projects.

19 (c) REQUIREMENTS.—Each listing described in sub-  
20 sections (a) and (b) shall include, at a minimum, for each  
21 listed project, the Department office carrying out the  
22 project, the project name, an abstract or summary of the  
23 project, funding levels, project duration, contractor or  
24 grantee name (including the names of any subcontract-  
25 tors), and expected objectives and milestones.

1 (d) RELEVANT LITERATURE AND PATENTS.—The  
2 Secretary shall provide information through the public  
3 database established under subsection (a) on relevant lit-  
4 erature and patents that are associated with each research  
5 and development project contract, grant, or cooperative  
6 agreement, or other transaction, of the Department.

7 **SEC. 4205. TECHNOLOGY TRANSFER AND TRANSITIONS AS-**  
8 **SESSMENT.**

9 Not later than 1 year after the date of enactment  
10 of this Act, and as often as the Secretary determines to  
11 be necessary thereafter, the Secretary shall transmit to the  
12 appropriate committees of Congress a report that includes  
13 recommended changes to the policy of the Department and  
14 legislative changes to section 1001 of the Energy Policy  
15 Act of 2005 (42 U.S.C. 16391) to improve the ability of  
16 the Department to successfully transfer new energy tech-  
17 nologies to the private sector.

18 **SEC. 4206. AGREEMENTS FOR COMMERCIALIZING TECH-**  
19 **NOLOGY PILOT PROGRAM.**

20 (a) IN GENERAL.—The Secretary shall carry out the  
21 Agreements for Commercializing Technology pilot pro-  
22 gram of the Department, as announced by the Secretary  
23 on December 8, 2011, in accordance with this section.

24 (b) TERMS.—Each agreement entered into pursuant  
25 to the pilot program referred to in subsection (a) shall

1 provide to the contractor of the applicable National Lab-  
2 oratory, to the maximum extent determined to be appro-  
3 priate by the Secretary, increased authority to negotiate  
4 contract terms, such as intellectual property rights, pay-  
5 ment structures, performance guarantees, and multiparty  
6 collaborations.

7 (c) ELIGIBILITY.—

8 (1) IN GENERAL.—Any director of a National  
9 Laboratory may enter into an agreement pursuant  
10 to the pilot program referred to in subsection (a).

11 (2) AGREEMENTS WITH NON-FEDERAL ENTI-  
12 TIES.—To carry out paragraph (1) and subject to  
13 paragraph (3), the Secretary shall permit the direc-  
14 tors of the National Laboratories to execute agree-  
15 ments with a non-Federal entity, including a non-  
16 Federal entity already receiving Federal funding  
17 that will be used to support activities under agree-  
18 ments executed pursuant to paragraph (1), provided  
19 that such funding is solely used to carry out the  
20 purposes of the Federal award.

21 (3) RESTRICTION.—The requirements of chap-  
22 ter 18 of title 35, United States Code (commonly  
23 known as the “Bayh-Dole Act”), shall apply if—

1 (A) the agreement is a funding agreement  
2 (as that term is defined in section 201 of that  
3 title); and

4 (B) at least one of the parties to the fund-  
5 ing agreement is eligible to receive rights under  
6 that chapter.

7 (d) SUBMISSION TO SECRETARY.—Each affected di-  
8 rector of a National Laboratory shall submit to the Sec-  
9 retary, with respect to each agreement entered into under  
10 this section—

11 (1) a summary of information relating to the  
12 relevant project;

13 (2) the total estimated costs of the project;

14 (3) estimated commencement and completion  
15 dates of the project; and

16 (4) other documentation determined to be ap-  
17 propriate by the Secretary.

18 (e) CERTIFICATION.—The Secretary shall require the  
19 contractor of the affected National Laboratory to certify  
20 that each activity carried out under a project for which  
21 an agreement is entered into under this section—

22 (1) is not in direct competition with the private  
23 sector; and

24 (2) does not present, or minimizes, any appar-  
25 ent conflict of interest, and avoids or neutralizes any

1 actual conflict of interest, as a result of the agree-  
2 ment under this section.

3 (f) EXTENSION.—The pilot program referred to in  
4 subsection (a) shall be extended until September 30, 2019.

5 (g) REPORTS.—

6 (1) OVERALL ASSESSMENT.—Not later than 60  
7 days after the date described in subsection (f), the  
8 Secretary, in coordination with directors of the Na-  
9 tional Laboratories, shall submit to the appropriate  
10 committees of Congress a report that—

11 (A) assesses the overall effectiveness of the  
12 pilot program referred to in subsection (a);

13 (B) identifies opportunities to improve the  
14 effectiveness of the pilot program;

15 (C) assesses the potential for program ac-  
16 tivities to interfere with the responsibilities of  
17 the National Laboratories to the Department;  
18 and

19 (D) provides a recommendation regarding  
20 the future of the pilot program.

21 (2) TRANSPARENCY.—The Secretary, in coordi-  
22 nation with directors of the National Laboratories,  
23 shall submit to the appropriate committees of Con-  
24 gress an annual report that accounts for all  
25 incidences of, and provides a justification for, non-

1 Federal entities using funds derived from a Federal  
 2 contract or award to carry out agreements pursuant  
 3 to this section.

4 **SEC. 4207. SHORT-TERM COST-SHARE PILOT PROGRAM.**

5 (a) IN GENERAL.—Section 988(b) of the Energy Pol-  
 6 icy Act of 2005 (42 U.S.C. 16352(b)) is amended—

7 (1) in paragraph (1), by striking “Except as  
 8 provided in paragraphs (2) and (3)” and inserting  
 9 “Except as provided in paragraphs (2), (3), (4), and  
 10 (5)”; and

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

12 “(4) EXEMPTION FOR INSTITUTIONS OF HIGH-  
 13 ER EDUCATION AND OTHER NONPROFIT INSTITU-  
 14 TIONS.—

15 “(A) IN GENERAL.—Paragraph (1) shall  
 16 not apply to a research or development activity  
 17 performed by an institution of higher education  
 18 or nonprofit institution (as defined in section 4  
 19 of the Stevenson-Wydler Technology Innovation  
 20 Act of 1980 (15 U.S.C. 3703)).

21 “(B) TERMINATION DATE.—The exemp-  
 22 tion under subparagraph (A) shall apply during  
 23 the 2-year period beginning on the date of en-  
 24 actment of this paragraph.



1           “(5) REDUCED COST-SHARING REQUIREMENT  
2       FOR SMALL BUSINESS CONCERNS.—

3           “(A) IN GENERAL.—The non-Federal  
4       share required under this subsection for a small  
5       business concern (as defined in section 3 of the  
6       Small Business Act (15 U.S.C. 632)) shall be  
7       10 percent.

8           “(B) TIMING.—A small business concern  
9       shall not be required to make the non-Federal  
10      contribution applicable to the small business  
11      concern under subparagraph (A) before the  
12      date that is 180 days after the date on which  
13      the award is provided to the small business con-  
14      cern.”.

15       (b) REPORTS.—

16           (1) INITIAL REPORT.—As soon as practicable  
17      after the date of enactment of this Act, the Sec-  
18      retary shall submit to the appropriate committees of  
19      Congress a report that describes the use of cost-  
20      sharing waivers by the Department under section  
21      988(b) of the Energy Policy Act of 2005 (42 U.S.C.  
22      16352(b)) during the 2-year period ending on the  
23      date of enactment of this Act.

24           (2) ANNUAL REPORTS.—Annually during the 2-  
25      year period beginning on the date of enactment of

1       this Act, the Secretary shall submit to the appro-  
 2       priate committees of Congress a report that de-  
 3       scribes the use of cost-sharing waivers by the De-  
 4       partment under section 988(b) of the Energy Policy  
 5       Act of 2005 (42 U.S.C. 16352(b)) during the period  
 6       covered by the report.

7   **SEC. 4208. QUADRENNIAL ENERGY REVIEW.**

8       (a) IN GENERAL.—Section 801 of the Department of  
 9   Energy Organization Act (42 U.S.C. 7321) is amended  
 10  to read as follows:

11  **“SEC. 801. QUADRENNIAL ENERGY REVIEW.**

12       “(a) QUADRENNIAL ENERGY REVIEW TASK  
 13  FORCE.—

14               “(1) ESTABLISHMENT.—The President shall es-  
 15   tablish a Quadrennial Energy Review Task Force  
 16   (referred to in this section as the ‘Task Force’) to  
 17   coordinate the Quadrennial Energy Review.

18               “(2) COCHAIRPERSONS.—The President shall  
 19   designate appropriate senior Federal Government of-  
 20   ficials to be cochairpersons of the Task Force.

21               “(3) MEMBERSHIP.—The Task Force may be  
 22   comprised of representatives at level I or II of the  
 23   Executive Schedule of—

24                       “(A) the Department;

25                       “(B) the Department of Commerce;

1           “(C) the Department of Defense;  
 2           “(D) the Department of State;  
 3           “(E) the Department of the Interior;  
 4           “(F) the Department of Agriculture;  
 5           “(G) the Department of the Treasury;  
 6           “(H) the Department of Transportation;  
 7           “(I) the Department of Homeland Secu-  
 8           rity;  
 9           “(J) the Office of Management and Budg-  
 10          et;  
 11          “(K) the National Science Foundation;  
 12          “(L) the Environmental Protection Agen-  
 13          cy; and  
 14          “(M) such other Federal agencies, and en-  
 15          tities within the Executive Office of the Presi-  
 16          dent, as the President considers to be appro-  
 17          priate.  
 18       “(b) CONDUCT OF REVIEW.—  
 19           “(1) IN GENERAL.—Each Quadrennial Energy  
 20       Review shall be conducted to—  
 21           “(A) provide an integrated view of impor-  
 22           tant national energy objectives and Federal en-  
 23           ergy policy; and

1           “(B) identify the maximum practicable  
2           alignment of research programs, incentives, reg-  
3           ulations, and partnerships.

4           “(2) ELEMENTS.—A Quadrennial Energy Re-  
5           view shall—

6           “(A) establish integrated, governmentwide  
7           national energy objectives in the context of eco-  
8           nomic, environmental, and security priorities;

9           “(B) recommend coordinated actions  
10          across Federal agencies;

11          “(C) assess and recommend priorities for  
12          research, development, and demonstration;

13          “(D) provide a strong analytical base for  
14          Federal energy policy decisions;

15          “(E) consider reasonable estimates of fu-  
16          ture Federal budgetary resources when making  
17          recommendations; and

18          “(F) be conducted with substantial input  
19          from—

20                  “(i) Congress;

21                  “(ii) the energy industry;

22                  “(iii) academia;

23                  “(iv) State, local, and tribal govern-  
24          ments;

1 “(v) nongovernmental organizations;

2 and

3 “(vi) the public.

4 “(c) SUBMISSION OF QUADRENNIAL ENERGY RE-  
5 VIEW TO CONGRESS.—

6 “(1) IN GENERAL.—The President—

7 “(A) shall publish and submit to Congress  
8 a report on the Quadrennial Energy Review  
9 once every 4 years; and

10 “(B) more frequently than once every 4  
11 years, as the President determines to be appro-  
12 priate, may prepare and publish interim reports  
13 as part of the Quadrennial Energy Review.

14 “(2) INCLUSIONS.—The reports described in  
15 paragraph (1) shall address or consider, as appro-  
16 priate—

17 “(A) an integrated view of short-term, in-  
18 termediate-term, and long-term objectives for  
19 Federal energy policy in the context of eco-  
20 nomic, environmental, and security priorities;

21 “(B) potential executive actions (including  
22 programmatic, regulatory, and fiscal actions)  
23 and resource requirements—

24 “(i) to achieve the objectives described  
25 in subparagraph (A); and

1 “(ii) to be coordinated across multiple  
2 agencies;

3 “(C) analysis of the existing and prospec-  
4 tive roles of parties (including academia, indus-  
5 try, consumers, the public, and Federal agen-  
6 cies) in achieving the objectives described in  
7 subparagraph (A), including—

8 “(i) an analysis by energy use sector,  
9 including—

10 “(I) commercial and residential  
11 buildings;

12 “(II) the industrial sector;

13 “(III) transportation; and

14 “(IV) electric power;

15 “(ii) requirements for invention, adop-  
16 tion, development, and diffusion of energy  
17 technologies as they relate to each of the  
18 energy use sectors; and

19 “(iii) other research that informs  
20 strategies to incentivize desired actions;

21 “(D) assessment of policy options to in-  
22 crease domestic energy supplies and energy effi-  
23 ciency;

24 “(E) evaluation of national and regional  
25 energy storage, transmission, and distribution

1 requirements, including requirements for renew-  
2 able energy;

3 “(F) portfolio assessments that describe  
4 the optimal deployment of resources, including  
5 prioritizing financial resources for energy-rel-  
6 evant programs;

7 “(G) mapping of the linkages among basic  
8 research and applied programs, demonstration  
9 programs, and other innovation mechanisms  
10 across the Federal agencies;

11 “(H) identification of demonstration  
12 projects;

13 “(I) identification of public and private  
14 funding needs for various energy technologies,  
15 systems, and infrastructure, including consider-  
16 ation of public-private partnerships, loans, and  
17 loan guarantees;

18 “(J) assessment of global competitors and  
19 an identification of programs that can be en-  
20 hanced with international cooperation;

21 “(K) identification of policy gaps that need  
22 to be filled to accelerate the adoption and diffu-  
23 sion of energy technologies, including consider-  
24 ation of—

25 “(i) Federal tax policies; and

1                   “(ii) the role of Federal agencies as  
2                   early adopters and purchasers of new en-  
3                   ergy technologies;

4                   “(L) priority listing for implementation of  
5                   objectives and actions taking into account esti-  
6                   mated Federal budgetary resources;

7                   “(M) analysis of—

8                   “(i) points of maximum leverage for  
9                   policy intervention to achieve outcomes;  
10                  and

11                  “(ii) areas of energy policy that can  
12                  be most effective in meeting national goals  
13                  for the energy sector; and

14                  “(N) recommendations for executive  
15                  branch organization changes to facilitate the  
16                  development and implementation of Federal en-  
17                  ergy policies.

18           “(d) REPORT DEVELOPMENT.—The Secretary shall  
19           provide such support for the Quadrennial Energy Review  
20           with the necessary analytical, financial, and administrative  
21           support for the conduct of each Quadrennial Energy Re-  
22           view required under this section as may be requested by  
23           the cochairpersons designated under subsection (a)(2).

24           “(e) COOPERATION.—The heads of applicable Fed-  
25           eral agencies shall cooperate with the Secretary and pro-



1 vide such assistance, information, and resources as the  
2 Secretary may require to assist in carrying out this sec-  
3 tion.”.

4 (b) TABLE OF CONTENTS AMENDMENT.—The item  
5 relating to section 801 in the table of contents of such  
6 Act is amended to read as follows:

“Sec. 801. Quadrennial Energy Review.”.

7 (c) ADMINISTRATION.—Nothing in this section or an  
8 amendment made by this section supersedes, modifies,  
9 amends, or repeals any provision of Federal law not ex-  
10 pressly superseded, modified, amended, or repealed by this  
11 section.

12 **SEC. 4209. CROSSCUTTING RESEARCH AND DEVELOPMENT.**

13 (a) IN GENERAL.—The Secretary shall use the capa-  
14 bilities of the Department to identify strategic opportuni-  
15 ties for collaborative research, development, demonstra-  
16 tion, and commercial application of innovative science and  
17 technologies.

18 (b) EXISTING PROGRAMS; COORDINATION OF ACTIVI-  
19 TIES.—To the maximum extent practicable, the Secretary  
20 shall seek—

21 (1) to leverage existing programs of the Depart-  
22 ment; and

23 (2) to consolidate and coordinate activities  
24 throughout the Department to promote collaboration

1 and crosscutting approaches within programs of the  
2 Department.

3 (c) ADDITIONAL ACTIONS.—The Secretary shall—

4 (1) prioritize activities that use all affordable  
5 domestic resources;

6 (2) develop a planning, evaluation, and tech-  
7 nical assessment framework for setting objective  
8 long-term strategic goals and evaluating progress  
9 that—

10 (A) ensures integrity and independence;

11 and

12 (B) provides the flexibility to adapt to  
13 market dynamics;

14 (3) ensure that activities shall be undertaken in  
15 a manner that does not duplicate other activities  
16 within the Department or other Federal Government  
17 activities; and

18 (4) identify programs that may be more effec-  
19 tively left to the States, industry, nongovernmental  
20 organizations, institutions of higher education, or  
21 other stakeholders.

1 **SEC. 4210. STRATEGIC RESEARCH PORTFOLIO ANALYSIS**  
2 **AND COORDINATION PLAN.**

3 The Energy Policy Act of 2005 is amended by strik-  
4 ing section 994 (42 U.S.C. 16358) and inserting the fol-  
5 lowing:

6 **“SEC. 994. STRATEGIC RESEARCH PORTFOLIO ANALYSIS**  
7 **AND COORDINATION PLAN.**

8 “(a) IN GENERAL.—The Secretary shall periodically  
9 review all of the science and technology activities of the  
10 Department in a strategic framework that takes into ac-  
11 count—

12 “(1) the frontiers of science to which the De-  
13 partment can contribute;

14 “(2) the national needs relevant to the statu-  
15 tory missions of the Department; and

16 “(3) global energy dynamics.

17 “(b) COORDINATION ANALYSIS AND PLAN.—

18 “(1) IN GENERAL.—As part of the review under  
19 subsection (a), the Secretary shall develop a plan to  
20 improve coordination and collaboration in research,  
21 development, demonstration, and commercial appli-  
22 cation activities across organizational boundaries of  
23 the Department.

24 “(2) PLAN CONTENTS.—The plan developed  
25 under paragraph (1) shall describe—

1           “(A) crosscutting scientific and technical  
2 issues and research questions that span more  
3 than 1 program or major office of the Depart-  
4 ment;

5           “(B) ways in which the applied technology  
6 programs of the Department are coordinating  
7 activities and addressing the questions referred  
8 to in subparagraph (A);

9           “(C) ways in which the technical inter-  
10 change within the Department, particularly be-  
11 tween the Office of Science and the applied  
12 technology programs, could be enhanced, in-  
13 cluding ways in which the research agendas of  
14 the Office of Science and the applied programs  
15 could better interact and assist each other;

16           “(D) ways in which the Secretary would  
17 ensure that the overall research agenda of the  
18 Department includes, in addition to funda-  
19 mental, curiosity-driven research, fundamental  
20 research related to topics of concern to the ap-  
21 plied programs, and applications in Depart-  
22 mental technology programs of research results  
23 generated by fundamental, curiosity-driven re-  
24 search;

1           “(E) critical assessments of any ongoing  
2 programs that have experienced subpar per-  
3 formance or cost overruns of 10 percent or  
4 more over 1 or more years;

5           “(F) any activities that may be more effec-  
6 tively left to the States, industry, nongovern-  
7 mental organizations, institutions of higher edu-  
8 cation, or other stakeholders; and

9           “(G) detailed evaluations and proposals for  
10 innovation hubs, institutes, and research cen-  
11 ters of the Department, including—

12               “(i) an affirmation that the hubs, in-  
13 stitutes, and research centers will—

14                   “(I) advance the mission of the  
15 Department; and

16                   “(II) prioritize research, develop-  
17 ment, and demonstration; and

18               “(ii) an affirmation that any hubs, in-  
19 stitutes, or research centers that are estab-  
20 lished or renewed within the Office of  
21 Science are consistent with the mission of  
22 the Office of Science described in sub-  
23 section (c) of section 209 of the Depart-  
24 ment of Energy Organization Act (42  
25 U.S.C. 7139).

1       “(c) SUBMISSION TO CONGRESS.—Every 4 years, the  
2 Secretary shall submit to Congress—

3               “(1) the results of the review under subsection  
4       (a); and

5               “(2) the coordination plan under subsection  
6       (b).”.

7   **SEC. 4211. STRATEGY FOR FACILITIES AND INFRASTRUC-**  
8                               **TURE.**

9       (a) AMENDMENTS.—Section 993 of the Energy Pol-  
10 icy Act of 2005 (42 U.S.C. 16357) is amended—

11               (1) by striking the section heading and insert-  
12       ing the following: “**STRATEGY FOR FACILITIES**  
13       **AND INFRASTRUCTURE**”; and

14               (2) in subsection (b)(1), by striking “2008”  
15       and inserting “2019”.

16       (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of the Energy Policy Act of 2005 is amend-  
18 ed by striking the item relating to section 993 and insert-  
19 ing the following:

“Sec. 993. Strategy for facilities and infrastructure.”.

20   **SEC. 4212. ENERGY INNOVATION HUBS.**

21       (a) DEFINITIONS.—In this section:

22               (1) **ADVANCED ENERGY TECHNOLOGY.**—The  
23       term “advanced energy technology” means—

24                       (A) an innovative technology—

- 1 (i) that produces energy from solar,
- 2 wind, geothermal, biomass, tidal, wave,
- 3 ocean, or other renewable energy resources;
- 4 (ii) that produces nuclear energy;
- 5 (iii) for carbon capture and sequestra-
- 6 tion;
- 7 (iv) that enables advanced vehicles,
- 8 vehicle components, and related tech-
- 9 nologies that result in significant energy
- 10 savings;
- 11 (v) that generates, transmits, distrib-
- 12 utes, uses, or stores energy more efficiently
- 13 than conventional technologies, including
- 14 through Smart Grid technologies; or
- 15 (vi) that enhances the energy inde-
- 16 pendence and security of the United States
- 17 by enabling improved or expanded supply
- 18 and production of domestic energy re-
- 19 sources, including coal, oil, and natural
- 20 gas;
- 21 (B) a research, development, demonstra-
- 22 tion, or commercial application activity nec-
- 23 essary to ensure the long-term, secure, and sus-
- 24 tainable supply of an energy-critical element; or

1 (C) any other innovative energy technology  
2 area identified by the Secretary.

3 (2) HUB.—

4 (A) IN GENERAL.—The term “Hub”  
5 means an Energy Innovation Hub established  
6 under this section.

7 (B) INCLUSION.—The term “Hub” in-  
8 cludes any Energy Innovation Hub in existence  
9 on the date of enactment of this Act.

10 (3) QUALIFYING ENTITY.—The term “quali-  
11 fying entity” means—

12 (A) an institution of higher education;

13 (B) an appropriate State or Federal entity,  
14 including a federally funded research and devel-  
15 opment center of the Department;

16 (C) a nongovernmental organization with  
17 expertise in advanced energy technology re-  
18 search, development, demonstration, or com-  
19 mercial application; or

20 (D) any other relevant entity the Secretary  
21 determines appropriate.

22 (b) AUTHORIZATION OF PROGRAM.—

23 (1) IN GENERAL.—The Secretary shall carry  
24 out a program to enhance the economic, environ-  
25 mental, and energy security of the United States by



1 making awards to consortia for establishing and op-  
 2 erating hubs, to be known as “Energy Innovation  
 3 Hubs”, to conduct and support at, if practicable, 1  
 4 centralized location, multidisciplinary, collaborative  
 5 research, development, demonstration, and commer-  
 6 cial application of advanced energy technologies.

7 (2) TECHNOLOGY DEVELOPMENT FOCUS.—The  
 8 Secretary shall designate for each Hub a unique ad-  
 9 vanced energy technology or basic research focus.

10 (3) COORDINATION.—The Secretary shall en-  
 11 sure the coordination of, and avoid unnecessary du-  
 12 plication of, the activities of each Hub with the ac-  
 13 tivities of—

14 (A) other research entities of the Depart-  
 15 ment, including the National Laboratories, the  
 16 Advanced Research Projects Agency—Energy,  
 17 and Energy Frontier Research Centers; and

18 (B) industry.

19 (c) APPLICATION PROCESS.—

20 (1) ELIGIBILITY.—To be eligible to receive an  
 21 award for the establishment and operation of a Hub  
 22 under subsection (b)(1), a consortium shall—

23 (A) be composed of not fewer than 2 quali-  
 24 fying entities;

1 (B) operate subject to a binding agree-  
2 ment, entered into by each member of the con-  
3 sortium, that documents—

4 (i) the proposed partnership agree-  
5 ment, including the governance and man-  
6 agement structure of the Hub;

7 (ii) measures the consortium will un-  
8 dertake to enable cost-effective implemen-  
9 tation of activities under the program de-  
10 scribed in subsection (b)(1); and

11 (iii) a proposed budget, including fi-  
12 nancial contributions from non-Federal  
13 sources; and

14 (C) operate as a nonprofit organization.

15 (2) APPLICATION.—

16 (A) IN GENERAL.—A consortium seeking  
17 to establish and operate a Hub under sub-  
18 section (b)(1) shall submit to the Secretary an  
19 application at such time, in such manner, and  
20 containing such information as the Secretary  
21 may require, including a detailed description of  
22 each element of the consortium agreement re-  
23 quired under paragraph (1)(B).

24 (B) REQUIREMENT.—If the consortium  
25 members will not be located at 1 centralized lo-

1 cation, the application under subparagraph (A)  
2 shall include a communications plan that en-  
3 sures close coordination and integration of Hub  
4 activities.

5 (3) SELECTION.—

6 (A) IN GENERAL.—The Secretary shall se-  
7 lect consortia for awards for the establishment  
8 and operation of Hubs through a competitive  
9 selection process.

10 (B) CONSIDERATIONS.—In selecting con-  
11 sortia under subparagraph (A), the Secretary  
12 shall consider—

13 (i) the information disclosed by the  
14 consortium under this subsection; and

15 (ii) any existing facilities a consortium  
16 will provide for Hub activities.

17 (d) TERM.—

18 (1) IN GENERAL.—An award made to a Hub  
19 under this section shall be for a period of not more  
20 than 5 years, subject to the availability of appropria-  
21 tions, after which the award may be renewed for 1  
22 or more additional 5-year periods, subject to a rig-  
23 orous merit review.

1           (2) EXISTING HUBS.—A Hub already in exist-  
2           ence on, or undergoing a renewal process on, the  
3           date of enactment of this Act—

4                   (A) may continue to receive support during  
5           the 5-year period beginning on the date of es-  
6           tablishment of that Hub; and

7                   (B) shall be eligible for renewal of that  
8           support at the end of that 5-year period for 1  
9           or more additional 5-year periods, subject to a  
10          rigorous merit review.

11       (e) HUB OPERATIONS.—

12           (1) IN GENERAL.—Each Hub shall conduct or  
13           provide for multidisciplinary, collaborative research,  
14           development, demonstration, and commercial appli-  
15           cation of advanced energy technologies within the  
16           technology development focus designated under sub-  
17           section (b)(2).

18           (2) ACTIVITIES.—Each Hub shall—

19                   (A) encourage collaboration and commu-  
20           nication among the member qualifying entities  
21           of the consortium and awardees;

22                   (B) develop and publish proposed plans  
23           and programs on a publicly accessible website;

1 (C) submit an annual report to the De-  
2 partment summarizing the activities of the  
3 Hub, including—

4 (i) detailing organizational expendi-  
5 tures; and

6 (ii) describing each project under-  
7 taken by the Hub; and

8 (D) monitor project implementation and  
9 coordination.

10 (3) CONFLICTS OF INTEREST.—Each Hub shall  
11 maintain conflict of interest procedures, consistent  
12 with the conflict of interest procedures of the De-  
13 partment.

14 (4) PROHIBITION ON CONSTRUCTION.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (B)—

17 (i) no funds provided under this sec-  
18 tion may be used for construction of new  
19 buildings or facilities for Hubs; and

20 (ii) construction of new buildings or  
21 facilities shall not be considered as part of  
22 the non-Federal share of a Hub cost-shar-  
23 ing agreement.

24 (B) TEST BED AND RENOVATION EXCEP-  
25 TION.—Nothing in this paragraph prohibits the

1 use of funds provided under this section or non-  
 2 Federal cost share funds for the construction of  
 3 a test bed or renovations to existing buildings  
 4 or facilities for the purposes of research if the  
 5 Secretary determines that the test bed or ren-  
 6 ovations are limited to a scope and scale nec-  
 7 essary for the research to be conducted.

8 **SEC. 4213. ADVANCED RESEARCH PROJECTS AGENCY-EN-**  
 9 **ERGY.**

10 Section 5012 of the America COMPETES Act (42  
 11 U.S.C. 16538) is amended—

12 (1) in subsection (a)(3), by striking “subsection  
 13 (n)(1)” and inserting “subsection (o)(1)”;

14 (2) in subsection (i), by striking paragraph (1)  
 15 and inserting the following:

16 “(1) IN GENERAL.—To the maximum extent  
 17 practicable, the Director shall ensure that—

18 “(A) the activities of ARPA-E are coordi-  
 19 nated with, and do not duplicate the efforts of,  
 20 programs and laboratories within the Depart-  
 21 ment and other relevant research agencies; and

22 “(B) ARPA-E does not provide funding  
 23 for a project unless the prospective grantee  
 24 demonstrates sufficient attempts to secure pri-

1           vate financing or indicates that the project is  
2           not independently commercially viable.”;

3           (3) by redesignating subsection (n) as sub-  
4           section (o);

5           (4) by inserting after subsection (m) the fol-  
6           lowing:

7           “(n) PROTECTION OF INFORMATION.—The following  
8           types of information collected by the ARPA–E from recipi-  
9           ents of financial assistance awards shall be considered  
10          commercial and financial information obtained from a per-  
11          son and privileged or confidential and not subject to dis-  
12          closure under section 552(b)(4) of title 5, United States  
13          Code:

14               “(1) Plans for commercialization of technologies  
15              developed under the award, including business plans,  
16              technology-to-market plans, market studies, and cost  
17              and performance models.

18               “(2) Investments provided to an awardee from  
19              third parties (such as venture capital firms, hedge  
20              funds, and private equity firms), including amounts  
21              and the percentage of ownership of the awardee pro-  
22              vided in return for the investments.

23               “(3) Additional financial support that the  
24              awardee—

1 “(A) plans to or has invested into the tech-  
 2 nology developed under the award; or

3 “(B) is seeking from third parties.

4 “(4) Revenue from the licensing or sale of new  
 5 products or services resulting from research con-  
 6 ducted under the award.”; and

7 (5) in subsection (o) (as redesignated by para-  
 8 graph (3))—

9 (A) in paragraph (2)—

10 (i) in the matter preceding subpara-  
 11 graph (A), by striking “paragraphs (4)  
 12 and (5)” and inserting “paragraph (4)”;

13 (ii) in subparagraph (D), by striking  
 14 “and” at the end;

15 (iii) in subparagraph (E), by striking  
 16 the period at the end and inserting a semi-  
 17 colon; and

18 (iv) by adding at the end the fol-  
 19 lowing:

20 “(F) \$325,000,000 for each of fiscal years  
 21 2018 through 2020; and

22 “(G) \$375,000,000 for each of fiscal years  
 23 2021 and 2022.”; and

24 (B) in paragraph (4)(B), by striking  
 25 “(c)(2)(D)” and inserting “(c)(2)(C)”.



**PART II—OFFICE OF SCIENCE**

**SEC. 4221. MISSION OF THE OFFICE OF SCIENCE.**

Section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) is amended by adding at the end the following:

“(c) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.”.

**SEC. 4222. BASIC ENERGY SCIENCES.**

(a) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director of the Office of Science of the Department (referred to in this subtitle as the “Director”) shall carry out a program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs.

(2) COLLABORATIONS.—A collaboration receiving an award under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

1           (A) IN GENERAL.—A collaboration under  
2           this subsection shall be selected for a period of  
3           4 years.

4           (B) EXISTING CENTERS.—An Energy  
5           Frontier Research Center in existence and sup-  
6           ported by the Director on the date of enactment  
7           of this Act may continue to receive support for  
8           a period of 4 years beginning on the date of es-  
9           tablishment of that center.

10          (C) REAPPLICATION.—After the end of the  
11          period described in subparagraph (A) or (B), as  
12          applicable, a recipient of an award may reapply  
13          for selection on a competitive, merit-reviewed  
14          basis.

15          (D) TERMINATION.—Consistent with the  
16          existing authorities of the Department, the Di-  
17          rector may terminate an underperforming cen-  
18          ter for cause during the performance period.

19          (4) NO FUNDING FOR CONSTRUCTION.—No  
20          funding provided pursuant to this subsection may be  
21          used for the construction of new buildings or facili-  
22          ties.

23          (b) BASIC ENERGY SCIENCES USER FACILITIES.—

1           (1) IN GENERAL.—The Director shall carry out  
2           a program for the development, construction, oper-  
3           ation, and maintenance of national user facilities.

4           (2) REQUIREMENTS.—To the maximum extent  
5           practicable, the national user facilities developed,  
6           constructed, operated, or maintained under para-  
7           graph (1) shall serve the needs of the Department,  
8           industry, the academic community, and other rel-  
9           evant entities to create and examine materials and  
10          chemical processes for the purpose of improving the  
11          competitiveness of the United States.

12          (3) INCLUDED FACILITIES.—The national user  
13          facilities developed, constructed, operated, or main-  
14          tained under paragraph (1) shall include—

15                (A) x-ray light sources;

16                (B) neutron sources;

17                (C) nanoscale science research centers; and

18                (D) such other facilities as the Director  
19          considers appropriate, consistent with section  
20          209 of the Department of Energy Organization  
21          Act (42 U.S.C. 7139).

22          (c) ACCELERATOR RESEARCH AND DEVELOP-  
23          MENT.—The Director shall carry out research and devel-  
24          opment on advanced accelerator and storage ring tech-  
25          nologies relevant to the development of basic energy

1 sciences user facilities, in consultation with the High En-  
2 ergy Physics and Nuclear Physics programs of the Office  
3 of Science.

4 (d) SOLAR FUELS RESEARCH INITIATIVE.—

5 (1) IN GENERAL.—Section 973 of the Energy  
6 Policy Act of 2005 (42 U.S.C. 16313) is amended  
7 to read as follows:

8 **“SEC. 973. SOLAR FUELS RESEARCH INITIATIVE.**

9 “(a) INITIATIVE.—

10 “(1) IN GENERAL.—The Secretary shall carry  
11 out a research initiative, to be known as the ‘Solar  
12 Fuels Research Initiative’ (referred to in this section  
13 as the ‘Initiative’) to expand theoretical and funda-  
14 mental knowledge of photochemistry, electro-  
15 chemistry, biochemistry, and materials science useful  
16 for the practical development of experimental sys-  
17 tems to convert solar energy to chemical energy.

18 “(2) LEVERAGING.—In carrying out programs  
19 and activities under the Initiative, the Secretary  
20 shall leverage expertise and resources from—

21 “(A) the Basic Energy Sciences Program  
22 and the Biological and Environmental Research  
23 Program of the Office of Science; and

24 “(B) the Office of Energy Efficiency and  
25 Renewable Energy.

1 “(3) TEAMS.—

2 “(A) IN GENERAL.—In carrying out the  
3 Initiative, the Secretary shall organize activities  
4 among multidisciplinary teams to leverage, to  
5 the maximum extent practicable, expertise from  
6 the National Laboratories, institutions of higher  
7 education, and the private sector.

8 “(B) GOALS.—The multidisciplinary teams  
9 described in subparagraph (A) shall pursue ag-  
10 gressive, milestone-driven, basic research goals.

11 “(C) RESOURCES.—The Secretary shall  
12 provide sufficient resources to the multidisci-  
13 plinary teams described in subparagraph (A) to  
14 achieve the goals described in subparagraph (B)  
15 over a period of time to be determined by the  
16 Secretary.

17 “(4) ADDITIONAL ACTIVITIES.—The Secretary  
18 may organize additional activities under this sub-  
19 section through Energy Frontier Research Centers,  
20 Energy Innovation Hubs, or other organizational  
21 structures.

22 “(b) ARTIFICIAL PHOTOSYNTHESIS.—

23 “(1) IN GENERAL.—The Secretary shall carry  
24 out under the Initiative a program to support re-  
25 search needed to bridge scientific barriers to, and

1 discover knowledge relevant to, artificial photosyn-  
2 thetic systems.

3 “(2) ACTIVITIES.—As part of the program de-  
4 scribed in paragraph (1)—

5 “(A) the Director of the Office of Basic  
6 Energy Sciences shall support basic research to  
7 pursue distinct lines of scientific inquiry, in-  
8 cluding—

9 “(i) photoinduced production of hy-  
10 drogen and oxygen from water; and

11 “(ii) the sustainable photoinduced re-  
12 duction of carbon dioxide to fuel products  
13 including hydrocarbons, alcohols, carbon  
14 monoxide, and natural gas; and

15 “(B) the Assistant Secretary for Energy  
16 Efficiency and Renewable Energy shall support  
17 translational research, development, and valida-  
18 tion of physical concepts developed under the  
19 program.

20 “(3) STANDARD OF REVIEW.—The Secretary  
21 shall review activities carried out under the program  
22 described in paragraph (1) to determine the achieve-  
23 ment of technical milestones.

24 “(4) PROHIBITION.—No funds allocated to the  
25 program described in paragraph (1) may be obli-

1 gated or expended for commercial application of en-  
2 ergy technology.

3 “(c) BIOCHEMISTRY, REPLICATION OF NATURAL  
4 PHOTOSYNTHESIS, AND RELATED PROCESSES.—

5 “(1) IN GENERAL.—The Secretary shall carry  
6 out under the Initiative a program to support re-  
7 search needed to replicate natural photosynthetic  
8 processes by use of artificial photosynthetic compo-  
9 nents and materials.

10 “(2) ACTIVITIES.—As part of the program de-  
11 scribed in paragraph (1)—

12 “(A) the Director of the Office of Basic  
13 Energy Sciences shall support basic research to  
14 expand fundamental knowledge to replicate nat-  
15 ural synthesis processes, including—

16 “(i) the photoinduced reduction of  
17 dinitrogen to ammonia;

18 “(ii) the absorption of carbon dioxide  
19 from ambient air;

20 “(iii) molecular-based charge separa-  
21 tion and storage;

22 “(iv) photoinitiated electron transfer;  
23 and

24 “(v) catalysis in biological or bio-  
25 mimetic systems;

1           “(B) the Associate Director of Biological  
 2           and Environmental Research shall support sys-  
 3           tems biology and genomics approaches to un-  
 4           derstand genetic and physiological pathways  
 5           connected to photosynthetic mechanisms; and

6           “(C) the Assistant Secretary for Energy  
 7           Efficiency and Renewable Energy shall support  
 8           translational research, development, and valida-  
 9           tion of physical concepts developed under the  
 10          program.

11          “(3) STANDARD OF REVIEW.—The Secretary  
 12          shall review activities carried out under the program  
 13          described in paragraph (1) to determine the achieve-  
 14          ment of technical milestones.

15          “(4) PROHIBITION.—No funds allocated to the  
 16          program described in paragraph (1) may be obli-  
 17          gated or expended for commercial application of en-  
 18          ergy technology.”.

19          “(2) CONFORMING AMENDMENT.—The table of  
 20          contents for the Energy Policy Act of 2005 is  
 21          amended by striking the item relating to section 973  
 22          and inserting the following:

“Sec. 973. Solar fuels research initiative.”.

23          “(e) ELECTRICITY STORAGE RESEARCH INITIATIVE.—



1           (1) IN GENERAL.—Section 975 of the Energy  
2       Policy Act of 2005 (42 U.S.C. 16315) is amended  
3       to read as follows:

4       **“SEC. 975. ELECTRICITY STORAGE RESEARCH INITIATIVE.**

5       “(a) INITIATIVE.—

6           “(1) IN GENERAL.—The Secretary shall carry  
7       out a research initiative, to be known as the ‘Elec-  
8       tricity Storage Research Initiative’ (referred to in  
9       this section as the ‘Initiative’)—

10           “(A) to expand theoretical and funda-  
11       mental knowledge to control, store, and con-  
12       vert—

13           “(i) electrical energy to chemical en-  
14       ergy; and

15           “(ii) chemical energy to electrical en-  
16       ergy; and

17           “(B) to support scientific inquiry into the  
18       practical understanding of chemical and phys-  
19       ical processes that occur within systems involv-  
20       ing crystalline and amorphous solids, polymers,  
21       and organic and aqueous liquids.

22           “(2) LEVERAGING.—In carrying out programs  
23       and activities under the Initiative, the Secretary  
24       shall leverage expertise and resources from—

1           “(A) the Basic Energy Sciences Program,  
2           the Advanced Scientific Computing Research  
3           Program, and the Biological and Environmental  
4           Research Program of the Office of Science; and

5           “(B) the Office of Energy Efficiency and  
6           Renewable Energy.

7           “(3) TEAMS.—

8           “(A) IN GENERAL.—In carrying out the  
9           Initiative, the Secretary shall organize activities  
10          among multidisciplinary teams to leverage, to  
11          the maximum extent practicable, expertise from  
12          the National Laboratories, institutions of higher  
13          education, and the private sector.

14          “(B) GOALS.—The multidisciplinary teams  
15          described in subparagraph (A) shall pursue ag-  
16          gressive, milestone-driven, basic research goals.

17          “(C) RESOURCES.—The Secretary shall  
18          provide sufficient resources to the multidisci-  
19          plinary teams described in subparagraph (A) to  
20          achieve the goals described in subparagraph (B)  
21          over a period of time to be determined by the  
22          Secretary.

23          “(4) ADDITIONAL ACTIVITIES.—The Secretary  
24          may organize additional activities under this sub-  
25          section through Energy Frontier Research Centers,

1 Energy Innovation Hubs, or other organizational  
2 structures.

3 “(b) MULTIVALENT SYSTEMS.—

4 “(1) IN GENERAL.—The Secretary shall carry  
5 out under the Initiative a program to support re-  
6 search needed to bridge scientific barriers to, and  
7 discover knowledge relevant to, multivalent ion mate-  
8 rials in electric energy storage systems.

9 “(2) ACTIVITIES.—As part of the program de-  
10 scribed in paragraph (1)—

11 “(A) the Director of the Office of Basic  
12 Energy Sciences shall investigate electro-  
13 chemical properties and the dynamics of mate-  
14 rials, including charge transfer phenomena and  
15 mass transport in materials; and

16 “(B) the Assistant Secretary for Energy  
17 Efficiency and Renewable Energy shall support  
18 translational research, development, and valida-  
19 tion of physical concepts developed under the  
20 program.

21 “(3) STANDARD OF REVIEW.—The Secretary  
22 shall review activities carried out under the program  
23 described in paragraph (1) to determine the achieve-  
24 ment of technical milestones.

1           “(4) PROHIBITION.—No funds allocated to the  
2           program described in paragraph (1) may be obli-  
3           gated or expended for commercial application of en-  
4           ergy technology.

5           “(c) ELECTROCHEMISTRY MODELING AND SIMULA-  
6           TION.—

7           “(1) IN GENERAL.—The Secretary shall carry  
8           out under the Initiative a program to support re-  
9           search to model and simulate organic electrolytes,  
10          including the static and dynamic electrochemical be-  
11          havior and phenomena of organic electrolytes at the  
12          molecular and atomic level in monovalent and multi-  
13          valent systems.

14          “(2) ACTIVITIES.—As part of the program de-  
15          scribed in paragraph (1)—

16                 “(A) the Director of the Office of Basic  
17                 Energy Sciences, in coordination with the Asso-  
18                 ciate Director of Advanced Scientific Com-  
19                 puting Research, shall support the development  
20                 of high performance computational tools  
21                 through a joint development process to maxi-  
22                 mize the effectiveness of current and projected  
23                 high performance computing systems; and

24                 “(B) the Assistant Secretary for Energy  
25                 Efficiency and Renewable Energy shall support

1 translational research, development, and valida-  
2 tion of physical concepts developed under the  
3 program.

4 “(3) STANDARD OF REVIEW.—The Secretary  
5 shall review activities carried out under the program  
6 described in paragraph (1) to determine the achieve-  
7 ment of technical milestones.

8 “(4) PROHIBITION.—No funds allocated to the  
9 program described in paragraph (1) may be obli-  
10 gated or expended for commercial application of en-  
11 ergy technology.

12 “(d) MESOSCALE ELECTROCHEMISTRY.—

13 “(1) IN GENERAL.—The Secretary shall carry  
14 out under the Initiative a program to support re-  
15 search needed to reveal electrochemistry in confined  
16 mesoscale spaces, including scientific discoveries rel-  
17 evant to—

18 “(A) bio-electrochemistry and electro-  
19 chemical energy conversion and storage in con-  
20 fined spaces; and

21 “(B) the dynamics of the phenomena de-  
22 scribed in subparagraph (A).

23 “(2) ACTIVITIES.—As part of the program de-  
24 scribed in paragraph (1)—

1           “(A) the Director of the Office of Basic  
2           Energy Sciences and the Associate Director of  
3           Biological and Environmental Research shall in-  
4           vestigate phenomena of mesoscale electro-  
5           chemical confinement for the purpose of repli-  
6           cating and controlling new electrochemical be-  
7           havior; and

8           “(B) the Assistant Secretary for Energy  
9           Efficiency and Renewable Energy shall support  
10          translational research, development, and valida-  
11          tion of physical concepts developed under the  
12          program.

13          “(3) STANDARD OF REVIEW.—The Secretary  
14          shall review activities carried out under the program  
15          described in paragraph (1) to determine the achieve-  
16          ment of technical milestones.

17          “(4) PROHIBITION.—No funds allocated to the  
18          program described in paragraph (1) may be obli-  
19          gated or expended for commercial application of en-  
20          ergy technology.”.

21          (2) CONFORMING AMENDMENT.—The table of  
22          contents for the Energy Policy Act of 2005 is  
23          amended by striking the item relating to section 975  
24          and inserting the following:

“Sec. 975. Electricity storage research initiative.”.

1 **SEC. 4223. ADVANCED SCIENTIFIC COMPUTING RESEARCH.**

2 (a) AMERICAN SUPER COMPUTING LEADERSHIP.—

3 (1) RENAMING OF ACT.—

4 (A) IN GENERAL.—Section 1 of the De-  
5 partment of Energy High-End Computing Revi-  
6 talization Act of 2004 (15 U.S.C. 5501 note;  
7 Public Law 108–423) is amended by striking  
8 “Department of Energy High-End Computing  
9 Revitalization Act of 2004” and inserting  
10 “American Super Computing Leadership Act of  
11 2017”.

12 (B) CONFORMING AMENDMENT.—Section  
13 976(a)(1) of the Energy Policy Act of 2005 (42  
14 U.S.C. 16316(1)) is amended by striking “De-  
15 partment of Energy High-End Computing Revi-  
16 talization Act of 2004” and inserting “Amer-  
17 ican Super Computing Leadership Act of  
18 2017”.

19 (2) DEFINITIONS.—Section 2 of the American  
20 Super Computing Leadership Act of 2017 (15  
21 U.S.C. 5541) is amended—

22 (A) by redesignating paragraphs (2)  
23 through (5) as paragraphs (3) through (6), re-  
24 spectively;

25 (B) by striking paragraph (1) and insert-  
26 ing the following:

1           “(1) DEPARTMENT.—The term ‘Department’  
2 means the Department of Energy.

3           “(2) EXASCALE COMPUTING.—The term  
4 ‘exascale computing’ means computing through the  
5 use of a computing machine that performs near or  
6 above 10 to the 18th power operations per second.”;  
7 and

8           (C) in paragraph (6) (as redesignated by  
9 subparagraph (A)), by striking “, acting  
10 through the Director of the Office of Science of  
11 the Department of Energy”.

12           (3) DEPARTMENT OF ENERGY HIGH-END COM-  
13 PUTING RESEARCH AND DEVELOPMENT PROGRAM.—  
14 Section 3 of the American Super Computing Leader-  
15 ship Act of 2017 (15 U.S.C. 5542) is amended—

16           (A) in subsection (a)(1), by striking “pro-  
17 gram” and inserting “coordinated program  
18 across the Department”;

19           (B) in subsection (b)(2), by striking “,  
20 which may” and all that follows through “archi-  
21 tectures”; and

22           (C) by striking subsection (d) and insert-  
23 ing the following:

24           “(d) EXASCALE COMPUTING PROGRAM.—



1           “(1) IN GENERAL.—The Secretary shall con-  
2           duct a research program (referred to in this sub-  
3           section as the ‘Program’) for exascale computing, in-  
4           cluding the development of 2 or more exascale com-  
5           puting machine architectures, to promote the mis-  
6           sions of the Department.

7           “(2) EXECUTION.—

8                 “(A) IN GENERAL.—In carrying out the  
9           Program, the Secretary shall—

10                     “(i) establish 2 or more National Lab-  
11                     oratory partnerships with industry part-  
12                     ners and institutions of higher education  
13                     for the research and development of 2 or  
14                     more exascale computing architectures  
15                     across all applicable organizations of the  
16                     Department;

17                     “(ii) conduct mission-related codesign  
18                     activities in developing the exascale com-  
19                     puting architectures under clause (i);

20                     “(iii) develop such advancements in  
21                     hardware and software technology as are  
22                     required to fully realize the potential of an  
23                     exascale production system in addressing  
24                     Department target applications and solving  
25                     scientific problems involving predictive

1 modeling and simulation and large scale  
 2 data analytics and management;

3 “(iv) explore the use of exascale com-  
 4 puting technologies to advance a broad  
 5 range of science and engineering; and

6 “(v) provide, as appropriate, on a  
 7 competitive, merit-reviewed basis, access  
 8 for researchers in industries in the United  
 9 States, institutions of higher education,  
 10 National Laboratories, and other Federal  
 11 agencies to the exascale computing systems  
 12 developed pursuant to clause (i).

13 “(B) SELECTION OF PARTNERS.—The Sec-  
 14 retary shall select the partnerships for the com-  
 15 puting facilities of the Department under sub-  
 16 paragraph (A) through a competitive, peer-re-  
 17 view process.

18 “(3) CODESIGN AND APPLICATION DEVELOP-  
 19 MENT.—

20 “(A) IN GENERAL.—The Secretary shall—

21 “(i) carry out the Program through  
 22 an integration of applications, computer  
 23 science, applied mathematics, and com-  
 24 puter hardware architecture using the  
 25 partnerships established pursuant to para-

graph (2) to ensure that, to the maximum extent practicable, 2 or more exascale computing machine architectures are capable of solving Department target applications and broader scientific problems, including predictive modeling and simulation and large scale data analytics and management; and

“(ii) conduct outreach programs to increase the readiness for the use of such platforms by domestic industries, including manufacturers.

“(B) REPORT.—The Secretary shall submit to Congress a report describing—

“(i) how the integration under subparagraph (A) is furthering application science data and computational workloads across application interests, including national security, material science, physical science, cybersecurity, biological science, the Materials Genome and BRAIN Initiatives of the President, advanced manufacturing, and the national electric grid; and

“(ii) the roles and responsibilities of National Laboratories and industry, in-

cluding the definition of the roles and responsibilities within the Department to ensure an integrated program across the Department.

“(4) PROJECT REVIEW.—

“(A) IN GENERAL.—The exascale architectures developed pursuant to partnerships established pursuant to paragraph (2) shall be reviewed through a project review process.

“(B) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report on—

“(i) the results of the review conducted under subparagraph (A); and

“(ii) the coordination and management of the Program to ensure an integrated research program across the Department.

“(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary, in consultation with the members of the partnerships established pursuant to paragraph (2), shall submit to Congress a report that describes funding for the Program as a whole

1 by functional element of the Department and critical  
2 milestones.”.

3 (b) HIGH-PERFORMANCE COMPUTING AND NET-  
4 WORKING RESEARCH.—The Director shall support re-  
5 search in high-performance computing and networking rel-  
6 evant to energy applications, including modeling, simula-  
7 tion, and advanced data analytics for basic and applied  
8 energy research programs carried out by the Secretary.

9 (c) APPLIED MATHEMATICS AND SOFTWARE DEVEL-  
10 OPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Di-  
11 rector shall carry out activities to develop, test, and sup-  
12 port—

13 (1) mathematics, models, and algorithms for  
14 complex systems and programming environments;  
15 and

16 (2) tools, languages, and operating systems for  
17 high-end computing systems (as defined in section 2  
18 of the American Super Computing Leadership Act of  
19 2017 (15 U.S.C. 5541)).

20 **SEC. 4224. HIGH-ENERGY PHYSICS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that—

23 (1) the Director should incorporate the findings  
24 and recommendations of the report of the Particle  
25 Physics Project Prioritization Panel entitled “Build-

1 ing for Discovery: Strategic Plan for U.S. Particle  
 2 Physics in the Global Context” into the planning  
 3 process of the Department; and

4 (2) the nations that lead in particle physics by  
 5 hosting international teams dedicated to a common  
 6 scientific goal attract the world’s best talent and in-  
 7 spire future generations of physicists and tech-  
 8 nologists.

9 (b) INTERNATIONAL COLLABORATION.—The Direc-  
 10 tor, as practicable and in coordination with other appro-  
 11 priate Federal agencies as necessary, shall ensure the ac-  
 12 cess of United States researchers to the most advanced  
 13 accelerator facilities and research capabilities in the world,  
 14 including the Large Hadron Collider.

15 (c) NEUTRINO RESEARCH.—The Director shall carry  
 16 out research activities on rare decay processes and the na-  
 17 ture of the neutrino, which may include collaborations  
 18 with the National Science Foundation or international col-  
 19 laborations.

20 (d) DARK ENERGY AND DARK MATTER RE-  
 21 SEARCH.—The Director shall carry out research activities  
 22 on the nature of dark energy and dark matter, which may  
 23 include collaborations with the National Aeronautics and  
 24 Space Administration or the National Science Foundation;  
 25 or international collaborations.

1 **SEC. 4225. BIOLOGICAL AND ENVIRONMENTAL RESEARCH.**

2 (a) BIOLOGICAL SYSTEMS.—The Director shall carry  
3 out research and development activities in fundamental,  
4 structural, computational, and systems biology to increase  
5 systems-level understanding of the complex biological sys-  
6 tems, which may include activities—

7 (1) to accelerate breakthroughs and new knowl-  
8 edge that would enable the cost-effective, sustainable  
9 production of—

10 (A) biomass-based liquid transportation  
11 fuels;

12 (B) bioenergy; and

13 (C) biobased materials;

14 (2) to improve understanding of the global car-  
15 bon cycle, including processes for removing carbon  
16 dioxide from the atmosphere, through photosynthesis  
17 and other biological processes, for sequestration and  
18 storage; and

19 (3) to understand the biological mechanisms  
20 used to transform, immobilize, or remove contami-  
21 nants from subsurface environments.

22 (b) LIMITATION FOR RESEARCH FUNDS.—The Di-  
23 rector shall not approve new climate science-related initia-  
24 tives without making a determination that such work is  
25 well-coordinated with any relevant work carried out by  
26 other Federal agencies.

1 (c) LOW-DOSE RADIATION RESEARCH PROGRAM.—

2 (1) IN GENERAL.—The Director shall carry out  
3 a research program on low-dose radiation.

4 (2) PURPOSE.—The purpose of the program is  
5 to enhance the scientific understanding of, and re-  
6 duce uncertainties associated with, the effects of ex-  
7 posure to low-dose radiation to inform improved  
8 risk-management methods.

9 **SEC. 4226. FUSION ENERGY.**

10 (a) FUSION MATERIALS RESEARCH AND DEVELOP-  
11 MENT.—As part of the activities authorized in section 978  
12 of the Energy Policy Act of 2005 (42 U.S.C. 16318)—

13 (1) the Director, in coordination with the As-  
14 sistant Secretary for Nuclear Energy of the Depart-  
15 ment, shall carry out research and development ac-  
16 tivities to identify, characterize, and demonstrate  
17 materials that can endure the neutron, plasma, and  
18 heat fluxes expected in a fusion power system; and

19 (2) the Director shall provide an assessment  
20 of—

21 (A) the need for 1 or more facilities that  
22 can examine and test potential fusion and next  
23 generation fission materials and other enabling  
24 technologies relevant to the development of fu-  
25 sion power; and



1                   (B) whether a single new facility that sub-  
2                   stantially addresses magnetic fusion and next  
3                   generation fission materials research needs is  
4                   feasible, in conjunction with the expected capa-  
5                   bilities of facilities operational as of the date of  
6                   enactment of this Act.

7           (b) TOKAMAK RESEARCH AND DEVELOPMENT.—The  
8   Director shall support research and development activities  
9   and facility operations to optimize the tokamak approach  
10 to fusion energy.

11          (c) INERTIAL FUSION ENERGY RESEARCH AND DE-  
12 VELOPMENT.—The Director shall support research and  
13 development activities for inertial fusion for energy appli-  
14 cations.

15          (d) ALTERNATIVE AND ENABLING CONCEPTS.—The  
16 Director shall support research and development activities  
17 and facility operations at institutions of higher education,  
18 National Laboratories, and private facilities in the United  
19 States for a portfolio of alternative and enabling fusion  
20 energy concepts that may provide solutions to significant  
21 challenges to the establishment of a commercial magnetic  
22 fusion power plant, prioritized based on the ability of the  
23 United States to play a leadership role in the international  
24 fusion research community.

1 (e) COORDINATION WITH ARPA-E.—The Director  
2 shall coordinate with the Director of the Advanced Re-  
3 search Projects Agency–Energy (referred to in this sub-  
4 section as “ARPA-E”) to—

5 (1) assess the potential for any fusion energy  
6 project supported by ARPA-E to represent a prom-  
7 ising approach to a commercially viable fusion power  
8 plant;

9 (2) determine whether the results of any fusion  
10 energy project supported by ARPA-E merit the sup-  
11 port of follow-on research activities carried out by  
12 the Office of Science; and

13 (3) avoid the unintentional duplication of activi-  
14 ties.

15 (f) FAIRNESS IN COMPETITION FOR SOLICITATIONS  
16 FOR INTERNATIONAL PROJECT ACTIVITIES.—Section 33  
17 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is  
18 amended by inserting before the first sentence the fol-  
19 lowing: “In this section, with respect to international re-  
20 search projects, the term ‘private facilities or laboratories’  
21 means facilities or laboratories located in the United  
22 States.”.

23 (g) IDENTIFICATION OF PRIORITIES.—

24 (1) REPORT.—

1 (A) IN GENERAL.—Not later than 2 years  
2 after the date of enactment of this Act, the Sec-  
3 retary shall submit to Congress a report on the  
4 fusion energy research and development activi-  
5 ties that the Department proposes to carry out  
6 over the 10-year period following the date of  
7 the report under not fewer than 3 realistic  
8 budget scenarios, including a scenario based on  
9 3-percent annual growth in the non-ITER por-  
10 tion of the budget for fusion energy research  
11 and development activities.

12 (B) INCLUSIONS.—The report required  
13 under subparagraph (A) shall—

14 (i) identify specific areas of fusion en-  
15 ergy research and enabling technology de-  
16 velopment in which the United States can  
17 and should establish or solidify a lead in  
18 the global fusion energy development ef-  
19 fort;

20 (ii) identify priorities for initiation of  
21 facility construction and facility decommis-  
22 sioning under each of the 3 budget sce-  
23 narios described in subparagraph (A); and

24 (iii) assess the ability of the fusion  
25 workforce of the United States to carry out

1           the activities identified under clauses (i)  
2           and (ii), including the adequacy of pro-  
3           grams at institutions of higher education  
4           in the United States to train the leaders  
5           and workers of the next generation of fu-  
6           sion energy researchers.

7           (2) PROCESS.—In order to develop the report  
8           required under paragraph (1)(A), the Secretary shall  
9           leverage best practices and lessons learned from the  
10          process used to develop the most recent report of the  
11          Particle Physics Project Prioritization Panel of the  
12          High Energy Physics Advisory Panel.

13          (3) REQUIREMENT.—No member of the Fusion  
14          Energy Sciences Advisory Committee shall be ex-  
15          cluded from participating in developing or voting on  
16          final approval of the report required under para-  
17          graph (1)(A).

18 **SEC. 4227. NUCLEAR PHYSICS.**

19          (a) ISOTOPE DEVELOPMENT AND PRODUCTION FOR  
20 RESEARCH APPLICATIONS.—The Director—

21           (1) may carry out a program for the production  
22           of isotopes, including the development of techniques  
23           to produce isotopes, that the Secretary determines  
24           are needed for research, medical, industrial, or re-  
25           lated purposes; and

1           (2) shall ensure that isotope production activi-  
 2           ties carried out under the program under this para-  
 3           graph do not compete with private industry unless  
 4           the Director determines that critical national inter-  
 5           ests require the involvement of the Federal Govern-  
 6           ment.

7           (b) RENAMING OF THE RARE ISOTOPE ACCEL-  
 8           ERATOR.—Section 981 of the Energy Policy Act of 2005  
 9           (42 U.S.C. 16321) is amended—

10           (1) in the section heading, by striking “**RARE**  
 11           **ISOTOPE ACCELERATOR**” and inserting “**FACIL-**  
 12           **ITY FOR RARE ISOTOPE BEAMS**”; and

13           (2) by striking “Rare Isotope Accelerator” each  
 14           place it appears and inserting “Facility for Rare Iso-  
 15           tope Beams”.

16           **SEC. 4228. SCIENCE LABORATORIES INFRASTRUCTURE**  
 17           **PROGRAM.**

18           (a) IN GENERAL.—The Director shall carry out a  
 19           program to improve the safety, efficiency, and mission  
 20           readiness of infrastructure at laboratories of the Office of  
 21           Science.

22           (b) INCLUSIONS.—The program under subsection (a)  
 23           shall include projects—

24           (1) to renovate or replace space that does not  
 25           meet research needs;

1           (2) to replace facilities that are no longer cost  
2           effective to renovate or operate;

3           (3) to modernize utility systems to prevent fail-  
4           ures and ensure efficiency;

5           (4) to remove excess facilities to allow safe and  
6           efficient operations; and

7           (5) to construct modern facilities to conduct ad-  
8           vanced research in controlled environmental condi-  
9           tions.

10          (c) APPROACH.—In carrying out this section, the Di-  
11         rector shall use all available approaches and mechanisms,  
12         including capital line items, minor construction projects,  
13         energy savings performance contracts, utility energy serv-  
14         ice contracts, alternative financing, and expense funding,  
15         as appropriate.

16         **SEC. 4229. BASIC RESEARCH.**

17         Section 971(b) of the Energy Policy Act of 2005 (42  
18         U.S.C. 16311(b)) is amended—

19                 (1) in paragraph (6), by striking “and” at the  
20                 end;

21                 (2) in paragraph (7), by striking the period at  
22                 the end and inserting a semicolon; and

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

24                         “(8) \$5,423,000,000 for fiscal year 2018;

25                         “(9) \$5,808,000,000 for fiscal year 2019;

1 “(10) \$6,220,000,000 for fiscal year 2020;  
 2 “(11) \$6,661,000,000 for fiscal year 2021; and  
 3 “(12) \$7,134,000,000 for fiscal year 2022.”.

## 4 **Subtitle D—Management**

### 5 **SEC. 4301. BUREAU OF LAND MANAGEMENT COOPERATION** 6 **WITH STATES ON RULES AND PROCESSES.**

7 On request of the Governor of a State, the Secretary  
 8 of the Interior shall establish a program under which the  
 9 Director of the Bureau of Land Management shall enter  
 10 into a memorandum of understanding with the State to  
 11 consider the costs and benefits of consistent rules and  
 12 processes for the measurement of oil and gas production  
 13 activities, inspection of meters or other measurement  
 14 methodologies, and other operational activities, as deter-  
 15 mined by the Secretary of the Interior.

### 16 **SEC. 4302. UNDER SECRETARY FOR SCIENCE AND ENERGY.**

17 (a) IN GENERAL.—Section 202(b) of the Department  
 18 of Energy Organization Act (42 U.S.C. 7132(b)) is  
 19 amended—

20 (1) in paragraph (1), by striking “for Science”  
 21 and inserting “for Science and Energy (referred to  
 22 in this subsection as the ‘Under Secretary’)”;

23 (2) in paragraph (3), in the matter preceding  
 24 subparagraph (A), by striking “for Science”; and

25 (3) in paragraph (4)—

1 (A) in the matter preceding subparagraph

2 (A), by striking “for Science”;

3 (B) in subparagraph (F), by striking

4 “and” at the end;

5 (C) in subparagraph (G), by striking the

6 period at the end and inserting a semicolon;

7 and

8 (D) by inserting after subparagraph (G)

9 the following:

10 “(H) establish appropriate linkages be-

11 tween offices under the jurisdiction of the

12 Under Secretary; and

13 “(I) perform such functions and duties as

14 the Secretary shall prescribe, consistent with

15 this section.”.

16 (b) CONFORMING AMENDMENT.—Section 641(h)(2)

17 of the United States Energy Storage Competitiveness Act

18 of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking

19 “Under Secretary for Science” and inserting “Under Sec-

20 retary for Science and Energy”.

21 **SEC. 4303. ENERGY EMERGENCY RESPONSE EFFORTS OF**

22 **THE DEPARTMENT.**

23 (a) CONGRESSIONAL DECLARATION OF PURPOSE.—

24 Section 102 of the Department of Energy Organization



1 Act (42 U.S.C. 7112) is amended by adding at the end  
2 the following:

3 “(20) To facilitate the development and imple-  
4 mentation of a strategy for responding to energy in-  
5 frastructure and supply emergencies through—

6 “(A) continuously monitoring and pub-  
7 lishing information on the energy delivery and  
8 supply infrastructure of the United States, in-  
9 cluding electricity, liquid fuels, natural gas, and  
10 coal;

11 “(B) managing Federal strategic energy  
12 reserves;

13 “(C) advising national leadership during  
14 emergencies on ways to respond to and mini-  
15 mize energy disruptions; and

16 “(D) working with Federal agencies and  
17 State and local governments—

18 “(i) to enhance energy emergency pre-  
19 paredness; and

20 “(ii) to respond to and mitigate en-  
21 ergy emergencies.”.

22 (b) UNDER SECRETARY FOR SCIENCE AND EN-  
23 ERGY.—Section 202(b)(4) of the Department of Energy  
24 Organization Act (42 U.S.C. 7132(b)(4)) (as amended by

1 section 4302(a)(3)) is amended, in subparagraph (B), by  
2 inserting “and applied energy” before “programs of the”.

3 (c) RESPONSIBILITIES OF ASSISTANT SECRE-  
4 TARIES.—Section 203(a) of the Department of Energy  
5 Organization Act (42 U.S.C. 7133(a)) is amended by add-  
6 ing at the end the following:

7 “(12) Emergency response functions, including  
8 assistance in the prevention of, or in the response to,  
9 an emergency disruption of energy supply, trans-  
10 mission, and distribution.”.

11 **SEC. 4304. PROGRAM TO REDUCE THE POTENTIAL IMPACTS**  
12 **OF SOLAR ENERGY FACILITIES ON CERTAIN**  
13 **SPECIES.**

14 In carrying out a program of the Department relating  
15 to solar energy or the conduct of solar energy projects  
16 using funds provided by the Department, the Secretary  
17 shall establish a program to undertake research that—

18 (1) identifies baseline avian populations and  
19 mortality; and

20 (2) quantifies the impacts of solar energy  
21 projects on birds, as compared to other threats to  
22 birds.

## **Subtitle E—Markets**

### **2 SEC. 4401. ENHANCED INFORMATION ON CRITICAL ENERGY 3 SUPPLIES.**

4 (a) IN GENERAL.—Section 205 of the Department of  
5 Energy Organization Act (42 U.S.C. 7135) is amended  
6 by adding at the end the following:

7 “(n) COLLECTION OF INFORMATION ON CRITICAL  
8 ENERGY SUPPLIES.—

9 “(1) IN GENERAL.—To ensure transparency of  
10 information relating to energy infrastructure and  
11 product ownership in the United States and improve  
12 the ability to evaluate the energy security of the  
13 United States, the Administrator, in consultation  
14 with other Federal agencies (as necessary), shall—

15 “(A) not later than 120 days after the date  
16 of enactment of this subsection, develop and  
17 provide notice of a plan to collect information  
18 identifying all oil inventories, and other physical  
19 oil assets (including all petroleum-based prod-  
20 ucts and the storage of such products in off-  
21 shore tankers), that are owned by the 50 larg-  
22 est traders of oil contracts (including derivative  
23 contracts); and

24 “(B) not later than 90 days after the date  
25 on which notice is provided under subparagraph

1 (A), implement the plan described in that sub-  
2 paragraph.

3 “(2) INFORMATION.—The plan required under  
4 paragraph (1) shall include a description of the plan  
5 of the Administrator for collecting company-specific  
6 data, including—

7 “(A) volumes of product under ownership;  
8 and

9 “(B) storage and transportation capacity  
10 (including owned and leased capacity).

11 “(3) PROTECTION OF PROPRIETARY INFORMA-  
12 TION.—Section 12(f) of the Federal Energy Admin-  
13 istration Act of 1974 (15 U.S.C. 771(f)) shall apply  
14 to information collected under this subsection.

15 “(o) COLLECTION OF INFORMATION ON STORAGE  
16 CAPACITY FOR OIL AND NATURAL GAS.—

17 “(1) IN GENERAL.—Not later than 90 days  
18 after the date of enactment of this subsection, the  
19 Administrator of the Energy Information Adminis-  
20 tration shall collect information quantifying the com-  
21 mercial storage capacity for oil and natural gas in  
22 the United States.

23 “(2) UPDATES.—The Administrator shall up-  
24 date annually the information required under para-  
25 graph (1).

1           “(3) PROTECTION OF PROPRIETARY INFORMA-  
2           TION.—Section 12(f) of the Federal Energy Admin-  
3           istration Act of 1974 (15 U.S.C. 771(f)) shall apply  
4           to information collected under this subsection.

5           “(p) FINANCIAL MARKET ANALYSIS OFFICE.—

6           “(1) ESTABLISHMENT.—There shall be within  
7           the Energy Information Administration a Financial  
8           Market Analysis Office.

9           “(2) DUTIES.—The Office shall—

10           “(A) be responsible for analysis of the fi-  
11           nancial aspects of energy markets;

12           “(B) review the reports required by section  
13           4403(c) of the Energy and Natural Resources  
14           Act of 2017 in advance of the submission of the  
15           reports to Congress; and

16           “(C) not later than 1 year after the date  
17           of enactment of this subsection—

18           “(i) make recommendations to the  
19           Administrator of the Energy Information  
20           Administration that identify and quantify  
21           any additional resources that are required  
22           to improve the ability of the Energy Infor-  
23           mation Administration to more fully inte-  
24           grate financial market information into the

analyses and forecasts of the Energy Information Administration;

“(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 Committees on Energy and Natural Resources, Appropriations, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Energy and Commerce, Appropriations, and Agriculture of the House of Representatives of the recommendations described in clause (i).

“(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.”.

(b) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting “(15 U.S.C. 3301 et seq.) and

1 the Natural Gas Act (15 U.S.C. 717 et seq.)” after “Nat-  
2 ural Gas Policy Act of 1978”.

3 **SEC. 4402. WORKING GROUP ON ENERGY MARKETS.**

4 (a) ESTABLISHMENT.—There is established a Work-  
5 ing Group on Energy Markets (referred to in this section  
6 as the “Working Group”).

7 (b) COMPOSITION.—The Working Group shall be  
8 composed of—

9 (1) the Secretary;

10 (2) the Secretary of the Treasury;

11 (3) the Chairman of the Federal Energy Regu-  
12 latory Commission;

13 (4) the Chairman of Federal Trade Commis-  
14 sion;

15 (5) the Chairman of the Securities and Ex-  
16 change Commission; and

17 (6) the Administrator of the Energy Informa-  
18 tion Administration.

19 (c) CHAIRPERSON.—The Secretary shall serve as the  
20 Chairperson of the Working Group.

21 (d) COMPENSATION.—A member of the Working  
22 Group shall serve without additional compensation for the  
23 work of the member of the Working Group.

24 (e) PURPOSE AND FUNCTION.—The Working Group  
25 shall—

1           (1) investigate the effect of increased financial  
2       investment in energy commodities on energy prices  
3       and the energy security of the United States;

4           (2) recommend to the President and Congress  
5       laws (including regulations) that may be needed to  
6       prevent excessive speculation in energy commodity  
7       markets in order to prevent or minimize the adverse  
8       impact of excessive speculation on energy prices on  
9       consumers and the economy of the United States;  
10      and

11          (3) review energy security implications of devel-  
12      opments in international energy markets.

13      (f) ADMINISTRATION.—The Secretary shall provide  
14   the Working Group with such administrative and support  
15   services as may be necessary for the performance of the  
16   functions of the Working Group.

17      (g) COOPERATION OF OTHER AGENCIES.—The heads  
18   of Executive departments, agencies, and independent in-  
19   strumentalities shall, to the extent permitted by law, pro-  
20   vide the Working Group with such information as the  
21   Working Group requires to carry out this section.

22      (h) CONSULTATION.—The Working Group shall con-  
23   sult, as appropriate, with representatives of the various  
24   exchanges, clearinghouses, self-regulatory bodies, other



1 major market participants, consumers, and the general  
2 public.

3 **SEC. 4403. STUDY OF REGULATORY FRAMEWORK FOR EN-**  
4 **ERGY MARKETS.**

5 (a) STUDY.—The Working Group shall conduct a  
6 study—

7 (1) to identify the factors that affect the pricing  
8 of crude oil and refined petroleum products, includ-  
9 ing an examination of the effects of market specula-  
10 tion on prices; and

11 (2) to review and assess—

12 (A) existing statutory authorities relating  
13 to the oversight and regulation of markets crit-  
14 ical to the energy security of the United States;  
15 and

16 (B) the need for additional statutory au-  
17 thority for the Federal Government to effec-  
18 tively oversee and regulate markets critical to  
19 the energy security of the United States.

20 (b) ELEMENTS OF STUDY.—The study shall in-  
21 clude—

22 (1) an examination of price formation of crude  
23 oil and refined petroleum products;

24 (2) an examination of relevant international  
25 regulatory regimes; and

1           (3) an examination of the degree to which  
2       changes in energy market transparency, liquidity,  
3       and structure have influenced or driven abuse, ma-  
4       nipulation, excessive speculation, or inefficient price  
5       formation.

6       (c) REPORT AND RECOMMENDATIONS.—The Sec-  
7       retary shall submit to the Committee on Energy and Nat-  
8       ural Resources of the Senate and the Committee on En-  
9       ergy and Commerce of the House of Representatives quar-  
10      terly progress reports during the conduct of the study  
11      under this section, and a final report not later than 1 year  
12      after the date of enactment of this Act, that—

13           (1) describes the results of the study; and

14           (2) provides options and the recommendations  
15      of the Working Group for appropriate Federal co-  
16      ordination of oversight and regulatory actions to en-  
17      sure transparency of crude oil and refined petroleum  
18      product pricing and the elimination of excessive  
19      speculation, including recommendations on data col-  
20      lection and analysis to be carried out by the Finan-  
21      cial Market Analysis Office established by subsection  
22      (p)(1) of section 205 of the Department of Energy  
23      Organization Act (42 U.S.C. 7135) (as added by  
24      section 4401(a)).

## 1                   **Subtitle F—Affordability**

### 2   **SEC. 4501. E-PRIZE COMPETITION PILOT PROGRAM.**

3           Section 1008 of the Energy Policy Act of 2005 (42  
4   U.S.C. 16396) is amended by adding at the end the fol-  
5   lowing:

6           “(g) E-PRIZE COMPETITION PILOT PROGRAM.—

7                   “(1) DEFINITIONS.—In this section:

8                           “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
9                   ble entity’ means—

10                                   “(i) a private sector for-profit or non-  
11                                   profit entity;

12                                   “(ii) a public-private partnership; or

13                                   “(iii) a local, municipal, or tribal gov-  
14                                   ernmental entity.

15                           “(B) HIGH-COST REGION.—The term  
16                   ‘high-cost region’ means a region in which the  
17                   average annual unsubsidized costs of electrical  
18                   power retail rates or household space heating  
19                   costs per square foot exceed 150 percent of the  
20                   national average, as determined by the Sec-  
21                   retary.

22                   “(2) E-PRIZE COMPETITION PILOT PROGRAM.—

23                           “(A) IN GENERAL.—The Secretary shall  
24                   establish an e-prize competition or challenge  
25                   pilot program to broadly implement sustainable

1 community and regional energy solutions that  
2 seek to reduce energy costs through increased  
3 efficiency, conservation, and technology innova-  
4 tion in high-cost regions.

5 “(B) SELECTION.—In carrying out the  
6 pilot program under subparagraph (A), the Sec-  
7 retary shall award a prize purse, in amounts to  
8 be determined by the Secretary, to each eligible  
9 entity selected through 1 or more of the fol-  
10 lowing competitions or challenges:

11 “(i) A point solution competition that  
12 rewards and spurs the development of solu-  
13 tions for a particular, well-defined problem.

14 “(ii) An exposition competition that  
15 helps identify and promote a broad range  
16 of ideas and practices that may not other-  
17 wise attract attention, facilitating further  
18 development of the idea or practice by  
19 third parties.

20 “(iii) A participation competition that  
21 creates value during and after the competi-  
22 tion by encouraging contestants to change  
23 their behavior or develop new skills that  
24 may have beneficial effects during and  
25 after the competition.

1                   “(iv) Such other types of prizes or  
 2                   challenges as the Secretary, in consultation  
 3                   with relevant heads of Federal agencies,  
 4                   considers appropriate to stimulate innova-  
 5                   tion that has the potential to advance the  
 6                   mission of the applicable Federal agency.

7                   “(3) AUTHORIZATION OF APPROPRIATIONS.—  
 8                   There is authorized to be appropriated to carry out  
 9                   this subsection \$10,000,000, to remain available  
 10                  until expended.”.

11 **SEC. 4502. CARBON DIOXIDE CAPTURE TECHNOLOGY**  
 12 **PRIZE.**

13                  Section 1008 of the Energy Policy Act of 2005 (42  
 14 U.S.C. 16396) (as amended by section 4501) is amended  
 15 by adding at the end the following:

16                  “(h) CARBON DIOXIDE CAPTURE TECHNOLOGY  
 17 PRIZE.—

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

19                         “(A) BOARD.—The term ‘Board’ means  
 20                         the Carbon Dioxide Capture Technology Advi-  
 21                         sory Board established by paragraph (6).

22                         “(B) DILUTE.—The term ‘dilute’ means a  
 23                         concentration of less than 1 percent by volume.

24                         “(C) INTELLECTUAL PROPERTY.—The  
 25                         term ‘intellectual property’ means—

1 “(i) an invention that is patentable  
2 under title 35, United States Code; and

3 “(ii) any patent on an invention de-  
4 scribed in clause (i).

5 “(D) SECRETARY.—The term ‘Secretary’  
6 means the Secretary of Energy or designee, in  
7 consultation with the Board.

8 “(2) AUTHORITY.—Not later than 1 year after  
9 the date of enactment of this subsection, as part of  
10 the program carried out under this section, the Sec-  
11 retary shall establish and award competitive tech-  
12 nology financial awards for carbon dioxide capture  
13 from media in which the concentration of carbon di-  
14 oxide is dilute.

15 “(3) DUTIES.—In carrying out this subsection,  
16 the Secretary shall—

17 “(A) subject to paragraph (4), develop spe-  
18 cific requirements for—

19 “(i) the competition process;

20 “(ii) minimum performance standards  
21 for qualifying projects; and

22 “(iii) monitoring and verification pro-  
23 cedures for approved projects;

24 “(B) establish minimum levels for the cap-  
25 ture of carbon dioxide from a dilute medium

1 that are required to be achieved to qualify for  
2 a financial award described in subparagraph  
3 (C);

4 “(C) offer financial awards for—

5 “(i) a design for a promising capture  
6 technology;

7 “(ii) a successful bench-scale dem-  
8 onstration of a capture technology;

9 “(iii) a design for a technology de-  
10 scribed in clause (i) that will—

11 “(I) be operated on a demonstra-  
12 tion scale; and

13 “(II) achieve significant reduc-  
14 tion in the level of carbon dioxide; and

15 “(iv) an operational capture tech-  
16 nology on a commercial scale that meets  
17 the minimum levels described in subpara-  
18 graph (B); and

19 “(D) submit to Congress—

20 “(i) an annual report that describes  
21 the progress made by the Board and re-  
22 cipients of financial awards under this sub-  
23 section in achieving the demonstration  
24 goals established under subparagraph (C);  
25 and

1                   “(ii) not later than 1 year after the  
2                   date of enactment of this subsection, a re-  
3                   port on the adequacy of authorized funding  
4                   levels in this subsection.

5                   “(4) PUBLIC PARTICIPATION.—In carrying out  
6                   paragraph (3)(A), the Board shall—

7                   “(A) provide notice of and, for a period of  
8                   at least 60 days, an opportunity for public com-  
9                   ment on, any draft or proposed version of the  
10                  requirements described in paragraph (3)(A);  
11                  and

12                  “(B) take into account public comments  
13                  received in developing the final version of those  
14                  requirements.

15                  “(5) PEER REVIEW.—No financial awards may  
16                  be provided under this subsection until the proposal  
17                  for which the award is sought has been peer re-  
18                  viewed in accordance with such standards for peer  
19                  review as are established by the Secretary.

20                  “(6) CARBON DIOXIDE CAPTURE TECHNOLOGY  
21                  ADVISORY BOARD.—

22                  “(A) ESTABLISHMENT.—There is estab-  
23                  lished an advisory board to be known as the  
24                  ‘Carbon Dioxide Capture Technology Advisory  
25                  Board’.



1           “(B) COMPOSITION.—The Board shall be  
2           composed of 9 members appointed by the Presi-  
3           dent, who shall provide expertise in—

4                   “(i) climate science;

5                   “(ii) physics;

6                   “(iii) chemistry;

7                   “(iv) biology;

8                   “(v) engineering;

9                   “(vi) economics;

10                  “(vii) business management; and

11                  “(viii) such other disciplines as the  
12           Secretary determines to be necessary to  
13           achieve the purposes of this subsection.

14           “(C) TERM; VACANCIES.—

15                   “(i) TERM.—A member of the Board  
16           shall serve for a term of 6 years.

17                   “(ii) VACANCIES.—A vacancy on the  
18           Board—

19                           “(I) shall not affect the powers of  
20           the Board; and

21                           “(II) shall be filled in the same  
22           manner as the original appointment  
23           was made.

24           “(D) INITIAL MEETING.—Not later than  
25           30 days after the date on which all members of

1 the Board have been appointed, the Board shall  
2 hold the initial meeting of the Board.

3 “(E) MEETINGS.—The Board shall meet  
4 at the call of the Chairperson.

5 “(F) QUORUM.—A majority of the mem-  
6 bers of the Board shall constitute a quorum,  
7 but a lesser number of members may hold hear-  
8 ings.

9 “(G) CHAIRPERSON AND VICE CHAIR-  
10 PERSON.—The Board shall select a Chairperson  
11 and Vice Chairperson from among the members  
12 of the Board.

13 “(H) COMPENSATION.—Each member of  
14 the Board may be compensated at not to exceed  
15 the daily equivalent of the annual rate of basic  
16 pay in effect for a position at level V of the Ex-  
17 ecutive Schedule for each day during which the  
18 member is engaged in the actual performance of  
19 the duties of the Board.

20 “(I) DUTIES.—The Board shall advise the  
21 Secretary on carrying out the duties of the Sec-  
22 retary under this subsection.

23 “(7) INTELLECTUAL PROPERTY.—

24 “(A) IN GENERAL.—As a condition of re-  
25 ceiving a financial award under this subsection,

1 an applicant shall agree to vest the intellectual  
2 property of the applicant derived from the tech-  
3 nology in 1 or more entities that are incor-  
4 porated in the United States.

5 “(B) RESERVATION OF LICENSE.—The  
6 United States—

7 “(i) may reserve a nonexclusive, non-  
8 transferable, irrevocable, paid-up license,  
9 to have practiced for or on behalf of the  
10 United States, in connection with any in-  
11 tellectual property described in subpara-  
12 graph (A); but

13 “(ii) shall not, in the exercise of a li-  
14 cense reserved under clause (i), publicly  
15 disclose proprietary information relating to  
16 the license.

17 “(C) TRANSFER OF TITLE.—Title to any  
18 intellectual property described in subparagraph  
19 (A) shall not be transferred or passed, except to  
20 an entity that is incorporated in the United  
21 States, until the expiration of the first patent  
22 obtained in connection with the intellectual  
23 property.

24 “(8) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to carry out

1       this subsection \$50,000,000, to remain available  
2       until expended.

3               “(9) TERMINATION OF AUTHORITY.—The  
4       Board and all authority provided under this sub-  
5       section shall terminate on December 31, 2026.”.

## 6       **Subtitle G—Code Maintenance**

### 7       **SEC. 4601. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES** 8               **STUDY.**

9               (a) REPEAL.—Part I of title III of the Energy Policy  
10      and Conservation Act (42 U.S.C. 6373) is repealed.

11              (b) CONFORMING AMENDMENT.—The table of con-  
12      tents for the Energy Policy and Conservation Act (Public  
13      Law 94–163; 89 Stat. 871) is amended—

14                      (1) by striking the item relating to part I of  
15      title III; and

16                      (2) by striking the item relating to section 385.

### 17      **SEC. 4602. REPEAL OF METHANOL STUDY.**

18      Section 400EE of the Energy Policy and Conserva-  
19      tion Act (42 U.S.C. 6374d) is amended—

20                      (1) by striking subsection (a); and

21                      (2) by redesignating subsections (b) and (c) as  
22      subsections (a) and (b), respectively.

1 **SEC. 4603. REPEAL OF AUTHORIZATION OF APPROPRIA-**  
2 **TIONS PROVISION.**

3 (a) REPEAL.—Section 208 of the Energy Conserva-  
4 tion and Production Act (42 U.S.C. 6808) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Energy Conservation and Production Act  
7 (Public Law 94–385; 90 Stat. 1126) is amended by strik-  
8 ing the item relating to section 208.

9 **SEC. 4604. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY**  
10 **STANDARDS STUDY.**

11 (a) REPEAL.—Section 253 of the National Energy  
12 Conservation Policy Act (42 U.S.C. 8232) is repealed.

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents for the National Energy Conservation Policy Act  
15 (Public Law 95–619; 92 Stat. 3206) is amended by strik-  
16 ing the item relating to section 253.

17 **SEC. 4605. REPEAL OF WEATHERIZATION STUDY.**

18 (a) REPEAL.—Section 254 of the National Energy  
19 Conservation Policy Act (42 U.S.C. 8233) is repealed.

20 (b) CONFORMING AMENDMENT.—The table of con-  
21 tents for the National Energy Conservation Policy Act  
22 (Public Law 95–619; 92 Stat. 3206) is amended by strik-  
23 ing the item relating to section 254.

24 **SEC. 4606. REPEAL OF REPORT TO CONGRESS.**

25 (a) REPEAL.—Section 273 of the National Energy  
26 Conservation Policy Act (42 U.S.C. 8236b) is repealed.

1 (b) CONFORMING AMENDMENT.—The table of con-  
2 tents for the National Energy Conservation Policy Act  
3 (Public Law 95–619; 92 Stat. 3206) is amended by strik-  
4 ing the item relating to section 273.

5 **SEC. 4607. REPEAL OF REPORT BY GENERAL SERVICES AD-**  
6 **MINISTRATION.**

7 (a) REPEAL.—Section 154 of the Energy Policy Act  
8 of 1992 (42 U.S.C. 8262a) is repealed.

9 (b) CONFORMING AMENDMENTS.—

10 (1) The table of contents for the Energy Policy  
11 Act of 1992 (Public Law 102–486; 106 Stat. 2776)  
12 is amended by striking the item relating to section  
13 154.

14 (2) Section 159 of the Energy Policy Act of  
15 1992 (42 U.S.C. 8262e) is amended by striking sub-  
16 section (c).

17 **SEC. 4608. REPEAL OF INTERGOVERNMENTAL ENERGY**  
18 **MANAGEMENT PLANNING AND COORDINA-**  
19 **TION WORKSHOPS.**

20 (a) REPEAL.—Section 156 of the Energy Policy Act  
21 of 1992 (42 U.S.C. 8262b) is repealed.

22 (b) CONFORMING AMENDMENT.—The table of con-  
23 tents for the Energy Policy Act of 1992 (Public Law 102–  
24 486; 106 Stat. 2776) is amended by striking the item re-  
25 lating to section 156.

1 **SEC. 4609. REPEAL OF INSPECTOR GENERAL AUDIT SUR-**  
 2 **VEY AND PRESIDENT’S COUNCIL ON INTEG-**  
 3 **RITY AND EFFICIENCY REPORT TO CON-**  
 4 **GRESS.**

5 (a) REPEAL.—Section 160 of the Energy Policy Act  
 6 of 1992 (42 U.S.C. 8262f) is amended by striking the sec-  
 7 tion designation and heading and all that follows through  
 8 “(c) INSPECTOR GENERAL REVIEW.—Each Inspector  
 9 General” and inserting the following:

10 **“SEC. 160. INSPECTOR GENERAL REVIEW.**

11 **“Each Inspector General”.**

12 (b) CONFORMING AMENDMENT.—The table of con-  
 13 tents for the Energy Policy Act of 1992 (Public Law 102–  
 14 486; 106 Stat. 2776) is amended by striking the item re-  
 15 lating to section 160 and inserting the following:

“Sec. 160. Inspector General review. ....”.

16 **SEC. 4610. REPEAL OF PROCUREMENT AND IDENTIFICA-**  
 17 **TION OF ENERGY EFFICIENT PRODUCTS PRO-**  
 18 **GRAM.**

19 (a) REPEAL.—Section 161 of the Energy Policy Act  
 20 of 1992 (42 U.S.C. 8262g) is repealed.

21 (b) CONFORMING AMENDMENT.—The table of con-  
 22 tents for the Energy Policy Act of 1992 (Public Law 102–  
 23 486; 106 Stat. 2776) is amended by striking the item re-  
 24 lating to section 161.

1   **SEC. 4611. REPEAL OF NATIONAL ACTION PLAN FOR DE-**  
2                   **MAND RESPONSE.**

3           (a) REPEAL.—Part 5 of title V of the National En-  
4   ergy Conservation Policy Act (42 U.S.C. 8279 et seq.) is  
5   repealed.

6           (b) CONFORMING AMENDMENT.—The table of con-  
7   tents for the National Energy Conservation Policy Act  
8   (Public Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is  
9   amended—

10           (1) by striking the item relating to part 5 of  
11   title V; and

12           (2) by striking the item relating to section 571.

13   **SEC. 4612. REPEAL OF NATIONAL COAL POLICY STUDY.**

14           (a) REPEAL.—Section 741 of the Powerplant and In-  
15   dustrial Fuel Use Act of 1978 (42 U.S.C. 8451) is re-  
16   pealed.

17           (b) CONFORMING AMENDMENT.—The table of con-  
18   tents for the Powerplant and Industrial Fuel Use Act of  
19   1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
20   striking the item relating to section 741.

21   **SEC. 4613. REPEAL OF STUDY ON COMPLIANCE PROBLEM**  
22                   **OF SMALL ELECTRIC UTILITY SYSTEMS.**

23           (a) REPEAL.—Section 744 of the Powerplant and In-  
24   dustrial Fuel Use Act of 1978 (42 U.S.C. 8454) is re-  
25   pealed.



1 (b) CONFORMING AMENDMENT.—The table of con-  
2 tents for the Powerplant and Industrial Fuel Use Act of  
3 1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
4 striking the item relating to section 744.

5 **SEC. 4614. REPEAL OF STUDY OF SOCIOECONOMIC IM-**  
6 **PACTS OF INCREASED COAL PRODUCTION**  
7 **AND OTHER ENERGY DEVELOPMENT.**

8 (a) REPEAL.—Section 746 of the Powerplant and In-  
9 dustrial Fuel Use Act of 1978 (42 U.S.C. 8456) is re-  
10 pealed.

11 (b) CONFORMING AMENDMENT.—The table of con-  
12 tents for the Powerplant and Industrial Fuel Use Act of  
13 1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
14 striking the item relating to section 746.

15 **SEC. 4615. REPEAL OF STUDY OF THE USE OF PETROLEUM**  
16 **AND NATURAL GAS IN COMBUSTORS.**

17 (a) REPEAL.—Section 747 of the Powerplant and In-  
18 dustrial Fuel Use Act of 1978 (42 U.S.C. 8457) is re-  
19 pealed.

20 (b) CONFORMING AMENDMENT.—The table of con-  
21 tents for the Powerplant and Industrial Fuel Use Act of  
22 1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
23 striking the item relating to section 747.

1 **SEC. 4616. REPEAL OF SUBMISSION OF REPORTS.**

2 (a) REPEAL.—Section 807 of the Powerplant and In-  
3 dustrial Fuel Use Act of 1978 (42 U.S.C. 8483) is re-  
4 pealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Powerplant and Industrial Fuel Use Act of  
7 1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
8 striking the item relating to section 807.

9 **SEC. 4617. REPEAL OF ELECTRIC UTILITY CONSERVATION**  
10 **PLAN.**

11 (a) REPEAL.—Section 808 of the Powerplant and In-  
12 dustrial Fuel Use Act of 1978 (42 U.S.C. 8484) is re-  
13 pealed.

14 (b) CONFORMING AMENDMENTS.—

15 (1) TABLE OF CONTENTS.—The table of con-  
16 tents for the Powerplant and Industrial Fuel Use  
17 Act of 1978 (Public Law 95–620; 92 Stat. 3289) is  
18 amended by striking the item relating to section  
19 808.

20 (2) REPORT ON IMPLEMENTATION.—Section  
21 712 of the Powerplant and Industrial Fuel Use Act  
22 of 1978 (42 U.S.C. 8422) is amended—

23 (A) by striking “(a) GENERALLY.—”; and

24 (B) by striking subsection (b).

25 **SEC. 4618. EMERGENCY ENERGY CONSERVATION REPEALS.**

26 (a) REPEALS.—

1           (1) Section 201 of the Emergency Energy Con-  
2           servation Act of 1979 (42 U.S.C. 8501) is amend-  
3           ed—

4                   (A) in the section heading, by striking  
5           “**FINDINGS AND**”; and

6                   (B) by striking subsection (a).

7           (2) Section 221 of the Emergency Energy Con-  
8           servation Act of 1979 (42 U.S.C. 8521) is repealed.

9           (3) Section 222 of the Emergency Energy Con-  
10          servation Act of 1979 (42 U.S.C. 8522) is repealed.

11          (4) 241 of the Emergency Energy Conservation  
12          Act of 1979 (42 U.S.C. 8531) is repealed.

13          (b) CONFORMING AMENDMENT.—The table of con-  
14          tents for the Emergency Energy Conservation Act of 1979  
15          (Public Law 96–102; 93 Stat. 749) is amended—

16               (1) by striking the item relating to section 201  
17          and inserting the following:

“Sec. 201. Purposes.”; and

18               (2) by striking the items relating to sections  
19          221, 222, and 241.

20   **SEC. 4619. ENERGY SECURITY ACT REPEALS.**

21          (a) BIOMASS ENERGY DEVELOPMENT PLANS.—Sub-  
22          title A of title II of the Energy Security Act (42 U.S.C.  
23          8811 et seq.) is repealed.

1 (b) MUNICIPAL WASTE BIOMASS ENERGY.—Subtitle  
 2 B of title II of the Energy Security Act (42 U.S.C. 8831  
 3 et seq.) is repealed.

4 (c) USE OF GASOHOL IN FEDERAL MOTOR VEHI-  
 5 CLES.—Section 271 of the Energy Security Act (42  
 6 U.S.C. 8871) is repealed.

7 (d) CONFORMING AMENDMENTS.—

8 (1) The table of contents for the Energy Secu-  
 9 rity Act (Public Law 96–294; 94 Stat. 611) is  
 10 amended—

11 (A) by striking the items relating to sub-  
 12 title A and B of title II;

13 (B) by striking the item relating to section  
 14 204 and inserting the following:

“Sec. 204. Funding. .... ”; and

15 (C) by striking the item relating to section  
 16 271.

17 (2) Section 203 of the Biomass Energy and Al-  
 18 cohool Fuels Act of 1980 (42 U.S.C. 8802) is amend-  
 19 ed—

20 (A) by striking paragraph (16); and

21 (B) by redesignating paragraphs (17)  
 22 through (19) as paragraphs (16) through (18),  
 23 respectively.

24 (3) Section 204 of the Energy Security Act (42  
 25 U.S.C. 8803) is amended—

1 (A) in the section heading, by striking  
2 “FOR SUBTITLES A AND B”; and

3 (B) in subsection (a)—

4 (i) in paragraph (1), by adding “and”  
5 after the semicolon at the end;

6 (ii) in paragraph (2), by striking “;  
7 and” at the end and inserting a period;  
8 and

9 (iii) by striking paragraph (3).

10 **SEC. 4620. NUCLEAR SAFETY RESEARCH, DEVELOPMENT,**  
11 **AND DEMONSTRATION ACT OF 1980 REPEALS.**

12 Sections 5 and 6 of the Nuclear Safety Research, De-  
13 velopment, and Demonstration Act of 1980 (42 U.S.C.  
14 9704, 9705) are repealed.

15 **SEC. 4621. ELIMINATION AND CONSOLIDATION OF CERTAIN**  
16 **AMERICA COMPETES PROGRAMS.**

17 (a) ELIMINATION OF PROGRAM AUTHORITIES.—

18 (1) NUCLEAR SCIENCE TALENT EXPANSION  
19 PROGRAM FOR INSTITUTIONS OF HIGHER EDU-  
20 CATION.—Section 5004 of the America COMPETES  
21 Act (42 U.S.C. 16532) is repealed.

22 (2) HYDROCARBON SYSTEMS SCIENCE TALENT  
23 EXPANSION PROGRAM FOR INSTITUTIONS OF HIGH-  
24 ER EDUCATION.—

1 (A) IN GENERAL.—Section 5005(e) of the  
 2 America COMPETES Act (42 U.S.C.  
 3 16533(e)) is repealed.

4 (B) CONFORMING AMENDMENTS.—Section  
 5 5005(f) of the America COMPETES Act (42  
 6 U.S.C. 16533(f)) is amended—

7 (i) by striking paragraph (2);

8 (ii) by striking the subsection designa-  
 9 tion and heading and all that follows  
 10 through “There are” in paragraph (1) and  
 11 inserting the following:

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are”; and

14 (iii) by redesignating subparagraphs  
 15 (A) through (F) as paragraphs (1) through  
 16 (6), respectively, and indenting appro-  
 17 priately.

18 (3) DISCOVERY SCIENCE AND ENGINEERING IN-  
 19 NOVATION INSTITUTES.—Section 5008 of the Amer-  
 20 ica COMPETES Act (42 U.S.C. 16535) is repealed.

21 (4) ELIMINATION OF DUPLICATIVE AUTHORITY  
 22 FOR EDUCATION PROGRAMS.—Sections 3181 and  
 23 3185 of the Department of Energy Science Edu-  
 24 cation Enhancement Act (42 U.S.C. 7381l, 42  
 25 U.S.C. 7381n) are repealed.

1           (5) MENTORING PROGRAM.—Section 3195 of  
2           the Department of Energy Science Education En-  
3           hancement Act (42 U.S.C. 7381r) is repealed.

4           (b) REPEAL OF AUTHORIZATIONS.—

5           (1) DEPARTMENT OF ENERGY EARLY CAREER  
6           AWARDS FOR SCIENCE, ENGINEERING, AND MATHE-  
7           MATICS RESEARCHERS.—Section 5006 of the Amer-  
8           ica COMPETES Act (42 U.S.C. 16534) is amended  
9           by striking subsection (h).

10          (2) DISTINGUISHED SCIENTIST PROGRAM.—  
11          Section 5011 of the America COMPETES Act (42  
12          U.S.C. 16537) is amended by striking subsection (j).

13          (3) PROTECTING AMERICA’S COMPETITIVE  
14          EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—  
15          Section 5009 of the America COMPETES Act (42  
16          U.S.C. 16536) is amended by striking subsection (f).

17          (c) CONSOLIDATION OF DUPLICATIVE PROGRAM AU-  
18          THORITIES.—

19          (1) UNIVERSITY NUCLEAR SCIENCE AND ENGI-  
20          NEERING SUPPORT.—Section 954 of the Energy Pol-  
21          icy Act of 2005 (42 U.S.C. 16274) is amended—

22                  (A) in subsection (a), by inserting “nuclear  
23                  chemistry,” after “nuclear engineering,”; and

24                  (B) in subsection (b)—

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

4 (ii) by inserting after paragraph (2)  
 5 the following:

6 “(3) award grants, not to exceed 5 years in du-  
 7 ration, to institutions of higher education with exist-  
 8 ing academic degree programs in nuclear sciences  
 9 and related fields—

10 “(A) to increase the number of graduates  
 11 in nuclear science and related fields;

12 “(B) to enhance the teaching and research  
 13 of advanced nuclear technologies;

14 “(C) to undertake collaboration with indus-  
 15 try and National Laboratories; and

16 “(D) to bolster or sustain nuclear infra-  
 17 structure and research facilities of institutions  
 18 of higher education, such as research and train-  
 19 ing reactors and laboratories;”.

20 (2) CONSOLIDATION OF DEPARTMENT OF EN-  
 21 ERGY EARLY CAREER AWARDS FOR SCIENCE, ENGI-  
 22 NEERING, AND MATHEMATICS RESEARCHERS PRO-  
 23 GRAM AND DISTINGUISHED SCIENTIST PROGRAM.—



1 (A) FUNDING.—Section 971(c) of the En-  
2 ergy Policy Act of 2005 (42 U.S.C. 16311(c))  
3 is amended by adding at the end the following:

4 “(8) For the Department of Energy early ca-  
5 reer awards for science, engineering, and mathe-  
6 matics researchers program under section 5006 of  
7 the America COMPETES Act (42 U.S.C. 16534)  
8 and the distinguished scientist program under sec-  
9 tion 5011 of that Act (42 U.S.C. 16537),  
10 \$150,000,000 for each of fiscal years 2018 through  
11 2022, of which not more than 65 percent of the  
12 amount made available for a fiscal year under this  
13 paragraph may be used to carry out section 5006 or  
14 5011 of that Act.”.

15 (B) DEPARTMENT OF ENERGY EARLY CA-  
16 REER AWARDS FOR SCIENCE, ENGINEERING,  
17 AND MATHEMATICS RESEARCHERS.—Section  
18 5006 of the America COMPETES Act (42  
19 U.S.C. 16534) is amended—

20 (i) in subsection (b)(1)—

21 (I) in the matter preceding sub-  
22 paragraph (A)—

23 (aa) by inserting “average”  
24 before “amount”; and

1 (bb) by inserting “for each  
2 year” before “shall”;

3 (II) in subparagraph (A), by  
4 striking “\$80,000” and inserting  
5 “\$190,000”; and

6 (III) in subparagraph (B), by  
7 striking “\$125,000” and inserting  
8 “\$490,000”;

9 (ii) in subsection (c)(1)(C)—

10 (I) in clause (i)—

11 (aa) by striking “assistant  
12 professor or equivalent title” and  
13 inserting “ untenured assistant or  
14 associate professor”; and

15 (bb) by inserting “or” after  
16 the semicolon at the end;

17 (II) by striking clause (ii); and

18 (III) by redesignating clause (iii)  
19 as clause (ii);

20 (iii) in subsection (d), by striking “on  
21 a competitive, merit-reviewed basis” and  
22 inserting “through a competitive process  
23 using merit-based peer review.”;

24 (iv) in subsection (e)—

1 (I) by striking “(e)” and all that  
 2 follows through “To be eligible” and  
 3 inserting the following:

4 “(e) SELECTION PROCESS AND CRITERIA.—To be eli-  
 5 gible”; and

6 (II) by striking paragraph (2);  
 7 and

8 (v) in subsection (f)(1), by striking  
 9 “nonprofit, nondegree-granting research  
 10 organizations” and inserting “National  
 11 Laboratories”.

12 (3) SCIENCE EDUCATION PROGRAMS.—Section  
 13 3164 of the Department of Energy Science Edu-  
 14 cation Enhancement Act (42 U.S.C. 7381a) is  
 15 amended—

16 (A) in subsection (b)—  
 17 (i) by striking paragraphs (1) and (2)  
 18 and inserting the following:

19 “(1) IN GENERAL.—The Director of the Office  
 20 of Science (referred to in this subsection as the ‘Di-  
 21 rector’) shall provide for appropriate coordination of  
 22 science, technology, engineering, and mathematics  
 23 education programs across all functions of the De-  
 24 partment.

1           “(2) ADMINISTRATION.—In carrying out para-  
2 graph (1), the Director shall—

3           “(A) consult with—

4           “(i) the Assistant Secretary of Energy  
5 with responsibility for energy efficiency  
6 and renewable energy programs; and

7           “(ii) the Deputy Administrator for  
8 Defense Programs of the National Nuclear  
9 Security Administration; and

10          “(B) seek to increase the participation and  
11 advancement of women and underrepresented  
12 minorities at every level of science, technology,  
13 engineering, and mathematics education.”; and

14          (ii) in paragraph (3)—

15               (I) in subparagraph (D), by  
16 striking “and” at the end;

17               (II) by redesignating subpara-  
18 graph (E) as subparagraph (F); and

19               (III) by inserting after subpara-  
20 graph (D) the following:

21           “(E) represent the Department as the  
22 principal interagency liaison for all coordination  
23 activities under the President for science, tech-  
24 nology, engineering, and mathematics education  
25 programs; and”; and

1 (B) in subsection (d)—

2 (i) by striking “The Secretary” and  
3 inserting the following:

4 “(1) IN GENERAL.—The Secretary”; and

5 (ii) by adding at the end the fol-  
6 lowing:

7 “(2) REPORT.—Not later than 180 days after  
8 the date of enactment of this subparagraph, the Di-  
9 rector shall submit a report describing the impact of  
10 the activities assisted with the Fund established  
11 under paragraph (1) to—

12 “(A) the Committee on Science, Space,  
13 and Technology of the House of Representa-  
14 tives; and

15 “(B) the Committee on Energy and Nat-  
16 ural Resources of the Senate.”.

17 (4) PROTECTING AMERICA’S COMPETITIVE  
18 EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—  
19 Section 5009 of the America COMPETES Act (42  
20 U.S.C. 16536) is amended—

21 (A) in subsection (c)—

22 (i) in paragraph (1) by striking “, in-  
23 volving” and all that follows through “Sec-  
24 retary”; and

1 (ii) in paragraph (2), by striking sub-  
 2 paragraph (B) and inserting the following:

3 “(B) to demonstrate excellent academic  
 4 performance and understanding of scientific or  
 5 technical subjects; and”;

6 (B) in subsection (d)(1)(B)(i), by inserting  
 7 “full or partial” before “graduate tuition”; and

8 (C) in subsection (e), in the matter pre-  
 9 ceding paragraph (1), by striking “Director of  
 10 Science, Engineering, and Mathematics Edu-  
 11 cation” and inserting “Director of the Office of  
 12 Science.”.

13 (d) CONFORMING AMENDMENTS.—The table of con-  
 14 tents for the America COMPETES ACT (Public Law  
 15 110–69; 121 Stat. 573) is amended by striking the items  
 16 relating to sections 5004 and 5008.

17 **SEC. 4622. REPEAL OF STATE UTILITY REGULATORY AS-**  
 18 **SISTANCE.**

19 (a) REPEAL.—Section 207 of the Energy Conserva-  
 20 tion and Production Act (42 U.S.C. 6807) is repealed.

21 (b) CONFORMING AMENDMENT.—The table of con-  
 22 tents for the Energy Conservation and Production Act  
 23 (Public Law 94–385; 90 Stat. 1126) is amended by strik-  
 24 ing the item relating to section 207.

1   **SEC. 4623. REPEAL OF SURVEY OF ENERGY SAVING POTEN-**  
2                           **TIAL.**

3           (a) REPEAL.—Section 550 of the National Energy  
4 Conservation Policy Act (42 U.S.C. 8258b) is repealed.

5           (b) CONFORMING AMENDMENTS.—

6               (1) The table of contents for the National En-  
7 ergy Conservation Policy Act (Public Law 95–619;  
8 92 Stat. 3206; 106 Stat. 2851) is amended by strik-  
9 ing the item relating to section 550.

10              (2) Section 543(d)(2) of the National Energy  
11 Conservation Policy Act (42 U.S.C. 8253(d)(2)) is  
12 amended by striking “, incorporating any relevant  
13 information obtained from the survey conducted pur-  
14 suant to section 550”.

15   **SEC. 4624. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.**

16           (a) REPEAL.—Part 4 of title V of the National En-  
17 ergy Conservation Policy Act (42 U.S.C. 8271 et seq.) is  
18 repealed.

19           (b) CONFORMING AMENDMENT.—The table of con-  
20 tents for the National Energy Conservation Policy Act  
21 (Public Law 95–619; 92 Stat. 3206) is amended—

22               (1) by striking the item relating to part 4 of  
23 title V; and

24               (2) by striking the items relating to sections  
25 561 through 569.

1 **SEC. 4625. REPEAL OF ENERGY AUDITOR TRAINING AND**  
2 **CERTIFICATION.**

3 (a) REPEAL.—Subtitle F of title V of the Energy Se-  
4 curity Act (42 U.S.C. 8285 et seq.) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Energy Security Act (Public Law 96–294;  
7 94 Stat. 611) is amended by striking the items relating  
8 to subtitle F of title V.

9 **SEC. 4626. REPEAL OF AUTHORIZATION OF APPROPRIA-**  
10 **TIONS.**

11 (a) REPEAL.—Subtitle F of title VII of the Power-  
12 plant and Industrial Fuel Use Act of 1978 (42 U.S.C.  
13 8461) is repealed.

14 (b) CONFORMING AMENDMENT.—The table of con-  
15 tents for the Powerplant and Industrial Fuel Use Act of  
16 1978 (Public Law 95–620; 92 Stat. 3289) is amended by  
17 striking the item relating to subtitle F of title VII.

18 **SEC. 4627. REPEAL OF RENEWABLE ENERGY AND ENERGY**  
19 **EFFICIENCY TECHNOLOGY COMPETITIVE-**  
20 **NESS ACT OF 1989.**

21 (a) REPEAL.—The Renewable Energy and Energy  
22 Efficiency Technology Competitiveness Act of 1989 (42  
23 U.S.C. 12001 et seq.) is repealed.

24 (b) CONFORMING AMENDMENTS.—



1           (1) Section 6(b)(3) of the Federal Nonnuclear  
2       Energy Research and Development Act of 1974 (42  
3       U.S.C. 5905(b)(3)) is amended—

4                   (A) in subparagraph (Q), by adding “and”  
5       after the semicolon;

6                   (B) by striking subparagraph (R); and

7                   (C) by redesignating subparagraph (S) as  
8       subparagraph (R).

9           (2) Section 1204 of the Energy Policy Act of  
10      1992 (42 U.S.C. 13313) is amended—

11                   (A) in subsection (b), in the matter pre-  
12      ceding paragraph (1), in the first sentence, by  
13      striking “, in consultation with” and all that  
14      follows through “under section 6 of the Renew-  
15      able Energy and Energy Efficiency Technology  
16      Competitiveness Act of 1989,”; and

17                   (B) in subsection (c), by striking “, in con-  
18      sultation with the Advisory Committee,”.

19   **SEC. 4628. REPEAL OF HYDROGEN RESEARCH, DEVELOP-**  
20                   **MENT, AND DEMONSTRATION PROGRAM.**

21      The Spark M. Matsunaga Hydrogen Research, Devel-  
22   opment, and Demonstration Act of 1990 (42 U.S.C.  
23   12401 et seq.) is repealed.

1 **SEC. 4629. REPEAL OF STUDY ON ALTERNATIVE FUEL USE**  
2 **IN NONROAD VEHICLES AND ENGINES.**

3 (a) IN GENERAL.—Section 412 of the Energy Policy  
4 Act of 1992 (42 U.S.C. 13238) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Energy Policy Act of 1992 (Public Law 102–  
7 486; 106 Stat. 2776) is amended by striking the item re-  
8 lating to section 412.

9 **SEC. 4630. REPEAL OF LOW INTEREST LOAN PROGRAM FOR**  
10 **SMALL BUSINESS FLEET PURCHASES.**

11 (a) IN GENERAL.—Section 414 of the Energy Policy  
12 Act of 1992 (42 U.S.C. 13239) is repealed.

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents for the Energy Policy Act of 1992 (Public Law 102–  
15 486; 106 Stat. 2776) is amended by striking the item re-  
16 lating to section 414.

17 **SEC. 4631. REPEAL OF TECHNICAL AND POLICY ANALYSIS**  
18 **FOR REPLACEMENT FUEL DEMAND AND SUP-**  
19 **PLY INFORMATION.**

20 (a) IN GENERAL.—Section 506 of the Energy Policy  
21 Act of 1992 (42 U.S.C. 13256) is repealed.

22 (b) CONFORMING AMENDMENTS.—

23 (1) The table of contents for the Energy Policy  
24 Act of 1992 (Public Law 102–486; 106 Stat. 2776)  
25 is amended by striking the item relating to section  
26 506.

1           (2) Section 507(m) of the Energy Policy Act of  
2           1992 (42 U.S.C. 13257(m)) is amended by striking  
3           “and section 506”.

4   **SEC. 4632. REPEAL OF 1992 REPORT ON CLIMATE CHANGE.**

5           (a) IN GENERAL.—Section 1601 of the Energy Policy  
6   Act of 1992 (42 U.S.C. 13381) is repealed.

7           (b) CONFORMING AMENDMENTS.—

8           (1) The table of contents for the Energy Policy  
9   Act of 1992 (Public Law 102–486; 106 Stat. 2776)  
10   is amended by striking the item relating to section  
11   1601.

12           (2) Section 1602(a) of the Energy Policy Act of  
13   1992 (42 U.S.C. 13382(a)) is amended, in the mat-  
14   ter preceding paragraph (1), in the third sentence,  
15   by striking “the report required under section 1601  
16   and”.

17   **SEC. 4633. REPEAL OF DIRECTOR OF CLIMATE PROTECTOR**  
18           **ESTABLISHMENT.**

19           (a) IN GENERAL.—Section 1603 of the Energy Policy  
20   Act of 1992 (42 U.S.C. 13383) is repealed.

21           (b) CONFORMING AMENDMENT.—The table of con-  
22   tents for the Energy Policy Act of 1992 (Public Law 102–  
23   486; 106 Stat. 2776) is amended by striking the item re-  
24   lating to section 1603.

1 **SEC. 4634. REPEAL OF 1994 REPORT ON GLOBAL CLIMATE**  
2 **CHANGE EMISSIONS.**

3 (a) IN GENERAL.—Section 1604 of the Energy Policy  
4 Act of 1992 (42 U.S.C. 13384) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Energy Policy Act of 1992 (Public Law 102–  
7 486; 106 Stat. 2776) is amended by striking the item re-  
8 lating to section 1604.

9 **SEC. 4635. REPEAL OF TELECOMMUTING STUDY.**

10 (a) IN GENERAL.—Section 2028 of the Energy Policy  
11 Act of 1992 (42 U.S.C. 13438) is repealed.

12 (b) CONFORMING AMENDMENT.—The table of con-  
13 tents for the Energy Policy Act of 1992 (Public Law 102–  
14 486; 106 Stat. 2776) is amended by striking the item re-  
15 lating to section 2028.

16 **SEC. 4636. REPEAL OF ADVANCED BUILDINGS FOR 2005**  
17 **PROGRAM.**

18 (a) IN GENERAL.—Section 2104 of the Energy Policy  
19 Act of 1992 (42 U.S.C. 13454) is repealed.

20 (b) CONFORMING AMENDMENTS.—

21 (1) The table of contents for the Energy Policy  
22 Act of 1992 (Public Law 102–486; 106 Stat. 2776)  
23 is amended by striking the item relating to section  
24 2104.

1           (2) Section 2101(a) of the Energy Policy Act of  
2           1992 (42 U.S.C. 13451(a)) is amended, in the third  
3           sentence, by striking “2104,”.

4   **SEC. 4637. REPEAL OF ENERGY RESEARCH, DEVELOPMENT,**  
5                   **DEMONSTRATION, AND COMMERCIAL APPLI-**  
6                   **CATION ADVISORY BOARD.**

7           (a) IN GENERAL.—Section 2302 of the Energy Policy  
8   Act of 1992 (42 U.S.C. 13522) is repealed.

9           (b) CONFORMING AMENDMENTS.—

10           (1) The table of contents for the Energy Policy  
11   Act of 1992 (Public Law 102–486; 106 Stat. 2776)  
12   is amended by striking the item relating to section  
13   2302.

14           (2) Section 6 of the Federal Nonnuclear Energy  
15   Research and Development Act of 1974 (42 U.S.C.  
16   5905) is amended—

17           (A) in subsection (a), in the matter pre-  
18   ceding paragraph (1), in the first sentence, by  
19   striking “, in consultation with the Advisory  
20   Board established under section 2302 of the  
21   Energy Policy Act of 1992,”;

22           (B) in subsection (b)—

23           (i) in paragraph (1), in the first sen-  
24   tence, by striking “, in consultation with  
25   the Advisory Board established under sec-

1                   tion 2302 of the Energy Policy Act of  
2                   1992,”; and

3                   (ii) in paragraph (2), in the second  
4                   sentence, by striking “, in consultation  
5                   with the Advisory Board established under  
6                   section 2302 of the Energy Policy Act of  
7                   1992,”; and

8                   (C) in subsection (c), in the first sentence,  
9                   by striking “, in consultation with the Advisory  
10                  Board established under section 2302 of the  
11                  Energy Policy Act of 1992,”.

12                  (3) Section 2011(c) of the Energy Policy Act of  
13                  1992 (42 U.S.C. 13411(c)) is amended, in the sec-  
14                  ond sentence, by striking “, and with the Advisory  
15                  Board established under section 2302”.

16                  (4) Section 2304 of the Energy Policy Act of  
17                  1992 (42 U.S.C. 13523), is amended—

18                   (A) in subsection (a), by striking “, in con-  
19                   sultation with the Advisory Board established  
20                   under section 2302,”; and

21                   (B) in subsection (c), in the matter pre-  
22                   ceding paragraph (1), in the first sentence, by  
23                   striking “, with the advice of the Advisory  
24                   Board established under section 2302 of this  
25                   Act,”.

1 **SEC. 4638. REPEAL OF STUDY ON USE OF ENERGY FUTURES**  
2 **FOR FUEL PURCHASE.**

3 (a) IN GENERAL.—Section 3014 of the Energy Policy  
4 Act of 1992 (42 U.S.C. 13552) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-  
6 tents for the Energy Policy Act of 1992 (Public Law 102–  
7 486; 106 Stat. 2776) is amended by striking the item re-  
8 lating to section 3014.

9 **SEC. 4639. REPEAL OF ENERGY SUBSIDY STUDY.**

10 (a) IN GENERAL.—Section 3015 of the Energy Policy  
11 Act of 1992 (42 U.S.C. 13553) is repealed.

12 (b) CONFORMING AMENDMENT.—The table of con-  
13 tents for the Energy Policy Act of 1992 (Public Law 102–  
14 486; 106 Stat. 2776) is amended by striking the item re-  
15 lating to section 3015.

16 **SEC. 4640. REPEAL OF PRIOR LIMITATION ON COMPENSA-**  
17 **TION OF THE SECRETARY OF THE INTERIOR.**

18 (a) IN GENERAL.—The Joint Resolution entitled  
19 “Joint Resolution ensuring that the compensation and  
20 other emoluments attached to the office of Secretary of  
21 the Interior are those which were in effect on January 1,  
22 2005” (Public Law 111–1; 5 U.S.C. 5312 note) is re-  
23 pealed.

24 (b) EFFECTIVE DATE.—This section shall take effect  
25 as though enacted on March 2, 2017.

## **DIVISION B—NATURAL RESOURCES**

### **SEC. 5001. DEFINITIONS.**

In this division:

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

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

## **TITLE V—CONSERVATION AUTHORIZATIONS**

### **SEC. 5101. NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.**

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

#### **“§ 104908. National Park Service Maintenance and Revitalization Conservation Fund**

“(a) IN GENERAL.—There is established in the Treasury a fund, to be known as the ‘National Park Service Critical Maintenance and Revitalization Conservation Fund’ (referred to in this section as the ‘Fund’).

“(b) DEPOSITS TO FUND.—Notwithstanding any provision of law providing that the proceeds shall be credited to miscellaneous receipts of the Treasury, for each fiscal year, there shall be deposited in the Fund, from rev-



1 enues due and payable to the United States under section  
2 9 of the Outer Continental Shelf Lands Act (43 U.S.C.  
3 1338) \$150,000,000.

4 “(c) USE AND AVAILABILITY.—

5 “(1) IN GENERAL.—Amounts deposited in the  
6 Fund shall—

7 “(A) be used only for the purposes de-  
8 scribed in subsection (d); and

9 “(B) be available for expenditure only after  
10 the amounts are appropriated for those pur-  
11 poses.

12 “(2) AVAILABILITY.—Any amounts in the Fund  
13 not appropriated shall remain available in the Fund  
14 until appropriated.

15 “(3) NO LIMITATION.—Appropriations from the  
16 Fund pursuant to this section may be made without  
17 fiscal year limitation.

18 “(d) NATIONAL PARK SYSTEM CRITICAL DEFERRED  
19 MAINTENANCE.—The Secretary shall use amounts appro-  
20 priated from the Fund for high-priority deferred mainte-  
21 nance needs of the Service that support critical infrastruc-  
22 ture and visitor services.

23 “(e) LAND ACQUISITION PROHIBITION.—Amounts in  
24 the Fund shall not be used for land acquisition.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for chapter 1049 of title 54, United States Code, is  
 3 amended by inserting after the item relating to section  
 4 104907 the following:

“§104908. National Park Service Maintenance and Revitalization Conservation Fund.”.

5 **SEC. 5102. LAND AND WATER CONSERVATION FUND.**

6 (a) REAUTHORIZATION.—Section 200302 of title 54,  
 7 United States Code, is amended—

8 (1) in subsection (b), in the matter preceding  
 9 paragraph (1), by striking “During the period end-  
 10 ing September 30, 2018, there” and inserting  
 11 “There”; and

12 (2) in subsection (c)(1), by striking “through  
 13 September 30, 2018”.

14 (b) ALLOCATION OF FUNDS.—Section 200304 of title  
 15 54, United States Code, is amended—

16 (1) by striking “There” and inserting the fol-  
 17 lowing:

18 “(a) IN GENERAL.—There”; and

19 (2) by striking the second sentence and insert-  
 20 ing the following:

21 “(b) ALLOCATION.—Of the appropriations from the  
 22 Fund—

23 “(1) not less than 40 percent shall be used col-  
 24 lectively for Federal purposes under section 200306;

1           “(2) not less than 40 percent shall be used col-  
2       lectively—

3           “(A) to provide financial assistance to  
4       States under section 200305;

5           “(B) for the Forest Legacy Program es-  
6       tablished under section 7 of the Cooperative  
7       Forestry Assistance Act of 1978 (16 U.S.C.  
8       2103c);

9           “(C) for cooperative endangered species  
10      grants authorized under section 6 of the En-  
11      dangered Species Act of 1973 (16 U.S.C.  
12      1535); and

13          “(D) for the American Battlefield Protec-  
14      tion Program established under chapter 3081;  
15      and

16          “(3) not less than 1.5 percent or \$10,000,000,  
17      whichever is greater, shall be used for projects that  
18      secure recreational public access to Federal public  
19      land for hunting, fishing, or other recreational pur-  
20      poses.”.

21      (c) CONSERVATION EASEMENTS.—Section 200306 of  
22      title 54, United States Code, is amended by adding at the  
23      end the following:

24          “(c) CONSERVATION EASEMENTS.—The Secretary  
25      and the Secretary of Agriculture shall consider the acqui-

1 sition of conservation easements and other similar inter-  
 2 ests in land where appropriate and feasible.”.

3 (d) ACQUISITION CONSIDERATIONS.—Section  
 4 200306 of title 54, United States Code (as amended by  
 5 subsection (c)), is amended by adding at the end the fol-  
 6 lowing:

7 “(d) ACQUISITION CONSIDERATIONS.—The Secretary  
 8 and the Secretary of Agriculture shall take into account  
 9 the following in determining the land or interests in land  
 10 to acquire:

11 “(1) Management efficiencies.

12 “(2) Management cost savings.

13 “(3) Geographic distribution.

14 “(4) Significance of the acquisition.

15 “(5) Urgency of the acquisition.

16 “(6) Threats to the integrity of the land to be  
 17 acquired.

18 “(7) The recreational value of the land.”.

19 **SEC. 5103. HISTORIC PRESERVATION FUND.**

20 Section 303102 of title 54, United States Code, is  
 21 amended by striking “of fiscal years 2012 to 2023” and  
 22 inserting “fiscal year”.

1 **SEC. 5104. CONSERVATION INCENTIVES LANDOWNER EDU-**  
2 **CATION PROGRAM.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary shall establish  
5 a conservation incentives landowner education program  
6 (referred to in this section as the “program”).

7 (b) PURPOSE OF PROGRAM.—The program shall pro-  
8 vide information on Federal conservation programs avail-  
9 able to landowners interested in undertaking conservation  
10 actions on the land of the landowners, including options  
11 under each conservation program available to achieve the  
12 conservation goals of the program, such as—

- 13 (1) fee title land acquisition;  
14 (2) donation; and  
15 (3) perpetual and term conservation easements  
16 or agreements.

17 (c) AVAILABILITY.—The Secretary shall ensure that  
18 the information provided under the program is made avail-  
19 able to—

- 20 (1) interested landowners; and  
21 (2) the public.

22 (d) NOTIFICATION.—In any case in which the Sec-  
23 retary contacts a landowner directly about participation  
24 in a Federal conservation program, the Secretary shall,  
25 in writing—

- 26 (1) notify the landowner of the program; and

1           (2) make available information on the conserva-  
2           tion program options that may be available to the  
3           landowner.

4       **TITLE VI—LAND CONVEYANCES**  
5           **AND RELATED MATTERS**  
6           **Subtitle A—Land Conveyances**

7       **SEC. 6001. ARAPAHO NATIONAL FOREST BOUNDARY AD-**  
8           **JUSTMENT.**

9           (a) IN GENERAL.—The boundary of the Arapaho Na-  
10          tional Forest in the State of Colorado is adjusted to incor-  
11          porate the approximately 92.95 acres of land generally de-  
12          picted as “The Wedge” on the map entitled “Arapaho Na-  
13          tional Forest Boundary Adjustment” and dated November  
14          6, 2013, and described as lots three, four, eight, and nine  
15          of section 13, T. 4 N., R. 76 W., Sixth Principal Meridian,  
16          Colorado. A lot described in this subsection may be in-  
17          cluded in the boundary adjustment only after the Sec-  
18          retary of Agriculture obtains written permission for such  
19          action from the lot owner or owners.

20          (b) BOWEN GULCH PROTECTION AREA.—The Sec-  
21          retary of Agriculture shall include all Federal land within  
22          the boundary described in subsection (a) in the Bowen  
23          Gulch Protection Area established under section 6 of the  
24          Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

1       (c) LAND AND WATER CONSERVATION FUND.—For  
 2 purposes of section 200306(a)(2)(B)(i) of title 54, United  
 3 States Code, the boundaries of the Arapaho National For-  
 4 est, as modified under subsection (a), shall be considered  
 5 to be the boundaries of the Arapaho National Forest as  
 6 in existence on January 1, 1965.

7       (d) PUBLIC MOTORIZED USE.—Nothing in this sec-  
 8 tion opens privately owned land within the boundary de-  
 9 scribed in subsection (a) to public motorized use.

10       (e) ACCESS TO NON-FEDERAL LANDS.—Notwith-  
 11 standing the provisions of section 6(f) of the Colorado Wil-  
 12 derness Act of 1993 (16 U.S.C. 539j(f)) regarding motor-  
 13 ized travel, the owners of any non-Federal lands within  
 14 the boundary described in subsection (a) who historically  
 15 have accessed their land through land now or hereafter  
 16 owned by the United States within the boundary described  
 17 in subsection (a) shall have the continued right of motor-  
 18 ized access to their land across the existing roadway.

19 **SEC. 6002. LAND CONVEYANCE, ELKHORN RANCH AND**  
 20 **WHITE RIVER NATIONAL FOREST, COLO-**  
 21 **RADO.**

22       (a) IN GENERAL.—Consistent with the purpose of the  
 23 Act of March 3, 1909 (43 U.S.C. 772), all right, title,  
 24 and interest of the United States (subject to subsection  
 25 (b)) in and to a parcel of land consisting of approximately

1 148 acres as generally depicted on the map entitled “Elk-  
2 horn Ranch Land Parcel–White River National Forest”  
3 and dated March 2015 shall be conveyed by patent to the  
4 Gordman-Leverich Partnership, a Colorado Limited Li-  
5 ability Partnership (in this section referred to as “GLP”).

6 (b) EXISTING RIGHTS.—The conveyance under sub-  
7 section (a)—

8 (1) is subject to the valid existing rights of the  
9 lessee of Federal oil and gas lease COC–75070 and  
10 any other valid existing rights; and

11 (2) shall reserve to the United States the right  
12 to collect rent and royalty payments on the lease re-  
13 ferred to in paragraph (1) for the duration of the  
14 lease.

15 (c) EXISTING BOUNDARIES.—The conveyance under  
16 subsection (a) does not modify the exterior boundary of  
17 the White River National Forest or the boundaries of sec-  
18 tions 18 and 19 of T. 7 S., R. 93 W., Sixth Principal  
19 Meridian, Colorado, as such boundaries are in effect on  
20 the date of the enactment of this Act.

21 (d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—  
22 The conveyance directed under subsection (a) shall be  
23 completed not later than 180 days after the date of the  
24 enactment of this Act. The conveyance shall be without  
25 consideration, except that all costs incurred by the Sec-



1 retary relating to any survey, platting, legal description,  
2 or other activities carried out to prepare and issue the pat-  
3 ent shall be paid by GLP to the Secretary prior to the  
4 land conveyance.

5 **SEC. 6003. CRAGS, COLORADO LAND EXCHANGE.**

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

7 (1) to authorize, direct, expedite, and facilitate  
8 the land exchange set forth herein; and

9 (2) to promote enhanced public outdoor rec-  
10 reational and natural resource conservation opportu-  
11 nities in the Pike National Forest near Pikes Peak,  
12 Colorado, through acquisition of the non-Federal  
13 land and trail easement.

14 (b) DEFINITIONS.—In this section:

15 (1) BHI.—The term “BHI” means Broadmoor  
16 Hotel, Inc., a Colorado corporation.

17 (2) FEDERAL LAND.—The term “Federal land”  
18 means all right, title, and interest of the United  
19 States in and to approximately 83 acres of land  
20 within the Pike National Forest, El Paso County,  
21 Colorado, together with a non-exclusive perpetual ac-  
22 cess easement to BHI to and from such land on  
23 Forest Service Road 371, as generally depicted on  
24 the map entitled “Proposed Craggs Land Exchange—

1 Federal Parcel—Emerald Valley Ranch”, dated  
2 March 2015.

3 (3) NON-FEDERAL LAND.—The term “non-Fed-  
4 eral land” means the land and trail easement to be  
5 conveyed to the Secretary by BHI in the exchange  
6 and is—

7 (A) approximately 320 acres of land within  
8 the Pike National Forest, Teller County, Colo-  
9 rado, as generally depicted on the map entitled  
10 “Proposed Craggs Land Exchange—Non-Federal  
11 Parcel—Craggs Property”, dated March 2015;  
12 and

13 (B) a permanent trail easement for the  
14 Barr Trail in El Paso County, Colorado, as  
15 generally depicted on the map entitled “Pro-  
16 posed Craggs Land Exchange—Barr Trail Ease-  
17 ment to United States”, dated March 2015,  
18 and which shall be considered as a voluntary  
19 donation to the United States by BHI for all  
20 purposes of law.

21 (4) SECRETARY.—The term “Secretary” means  
22 the Secretary of Agriculture, unless otherwise speci-  
23 fied.

24 (c) LAND EXCHANGE.—

1           (1) IN GENERAL.—If BHI offers to convey to  
2           the Secretary all right, title, and interest of BHI in  
3           and to the non-Federal land, the Secretary shall ac-  
4           cept the offer and simultaneously convey to BHI the  
5           Federal land.

6           (2) LAND TITLE.—Title to the non-Federal  
7           land conveyed and donated to the Secretary under  
8           this section shall be acceptable to the Secretary and  
9           shall conform to the title approval standards of the  
10          Attorney General of the United States applicable to  
11          land acquisitions by the Federal Government.

12          (3) PERPETUAL ACCESS EASEMENT TO BHI.—  
13          The nonexclusive perpetual access easement to be  
14          granted to BHI as shown on the map referred to in  
15          subsection (b)(2) shall allow—

16                (A) BHI to fully maintain, at BHI's ex-  
17                pense, and use Forest Service Road 371 from  
18                its junction with Forest Service Road 368 in  
19                accordance with historic use and maintenance  
20                patterns by BHI; and

21                (B) full and continued public and adminis-  
22                trative access and use of FSR 371 in accord-  
23                ance with the existing Forest Service travel  
24                management plan, or as such plan may be re-  
25                vised by the Secretary.

1           (4) ROUTE AND CONDITION OF ROAD.—BHI  
2           and the Secretary may mutually agree to improve,  
3           relocate, reconstruct, or otherwise alter the route  
4           and condition of all or portions of such road as the  
5           Secretary, in close consultation with BHI, may de-  
6           termine advisable.

7           (5) EXCHANGE COSTS.—BHI shall pay for all  
8           land survey, appraisal, and other costs to the Sec-  
9           retary as may be necessary to process and consum-  
10          mate the exchange directed by this section, including  
11          reimbursement to the Secretary, if the Secretary so  
12          requests, for staff time spent in such processing and  
13          consummation.

14          (d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

15               (1) APPRAISALS.—The values of the land to be  
16               exchanged under this section shall be determined by  
17               the Secretary through appraisals performed in ac-  
18               cordance with—

19                       (A) the Uniform Appraisal Standards for  
20                       Federal Land Acquisitions;

21                       (B) the Uniform Standards of Professional  
22                       Appraisal Practice;

23                       (C) appraisal instructions issued by the  
24                       Secretary; and

1 (D) shall be performed by an appraiser  
2 mutually agreed to by the Secretary and BHI.

3 (2) EQUAL VALUE EXCHANGE.—The values of  
4 the Federal and non-Federal land parcels exchanged  
5 shall be equal, or if they are not equal, shall be  
6 equalized as follows:

7 (A) SURPLUS OF FEDERAL LAND  
8 VALUE.—If the final appraised value of the  
9 Federal land exceeds the final appraised value  
10 of the non-Federal land parcel identified in sub-  
11 section (b)(3)(A), BHI shall make a cash  
12 equalization payment to the United States as  
13 necessary to achieve equal value, including, if  
14 necessary, an amount in excess of that author-  
15 ized pursuant to section 206(b) of the Federal  
16 Land Policy and Management Act of 1976 (43  
17 U.S.C. 1716(b)).

18 (B) USE OF FUNDS.—Any cash equali-  
19 zation moneys received by the Secretary under  
20 subparagraph (A) shall be—

21 (i) deposited in the fund established  
22 under Public Law 90–171 (16 U.S.C.  
23 484a) (commonly known as the “Sisk  
24 Act”); and

1 (ii) made available to the Secretary  
2 for the acquisition of land or interests in  
3 land in Region 2 of the Forest Service.

4 (C) SURPLUS OF NON-FEDERAL LAND  
5 VALUE.—If the final appraised value of the  
6 non-Federal land parcel identified in subsection  
7 (b)(3)(A) exceeds the final appraised value of  
8 the Federal land, the United States shall not  
9 make a cash equalization payment to BHI, and  
10 surplus value of the non-Federal land shall be  
11 considered a donation by BHI to the United  
12 States for all purposes of law.

13 (3) APPRAISAL EXCLUSIONS.—

14 (A) SPECIAL USE PERMIT.—The appraised  
15 value of the Federal land parcel shall not reflect  
16 any increase or diminution in value due to the  
17 special use permit existing on the date of the  
18 enactment of this Act to BHI on the parcel and  
19 improvements thereunder.

20 (B) BARR TRAIL EASEMENT.—The Barr  
21 Trail easement donation identified in subsection  
22 (c)(3)(B) shall not be appraised for purposes of  
23 this section.

24 (e) MISCELLANEOUS PROVISIONS.—

25 (1) WITHDRAWAL PROVISIONS.—

1 (A) WITHDRAWAL.—Land acquired by the  
2 Secretary under this section shall, without fur-  
3 ther action by the Secretary, be permanently  
4 withdrawn from all forms of appropriation and  
5 disposal under the public land laws (including  
6 the mining and mineral leasing laws) and the  
7 Geothermal Steam Act of 1970 (30 U.S.C.  
8 1001 et seq.).

9 (B) WITHDRAWAL REVOCATION.—Any  
10 public land order that withdraws the Federal  
11 land from appropriation or disposal under a  
12 public land law shall be revoked to the extent  
13 necessary to permit disposal of the Federal land  
14 parcel to BHI.

15 (C) WITHDRAWAL OF FEDERAL LAND.—  
16 All Federal land authorized to be exchanged  
17 under this section, if not already withdrawn or  
18 segregated from appropriation or disposal under  
19 the public lands laws upon enactment of this  
20 Act, is hereby so withdrawn, subject to valid ex-  
21 isting rights, until the date of conveyance of the  
22 Federal land to BHI.

23 (2) POSTEXCHANGE LAND MANAGEMENT.—  
24 Land acquired by the Secretary under this section  
25 shall become part of the Pike-San Isabel National

1 Forest and be managed in accordance with the laws,  
2 rules, and regulations applicable to the National  
3 Forest System.

4 (3) EXCHANGE TIMETABLE.—It is the intent of  
5 Congress that the land exchange directed by this  
6 section be consummated no later than 1 year after  
7 the date of enactment of this Act.

8 (4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

9 (A) MINOR ERRORS.—The Secretary and  
10 BHI may by mutual agreement make minor  
11 boundary adjustments to the Federal and non-  
12 Federal land involved in the exchange, and may  
13 correct any minor errors in any map, acreage  
14 estimate, or description of any land to be ex-  
15 changed.

16 (B) CONFLICT.—If there is a conflict be-  
17 tween a map, an acreage estimate, or a descrip-  
18 tion of land under this section, the map shall  
19 control unless the Secretary and BHI mutually  
20 agree otherwise.

21 (C) AVAILABILITY.—Upon enactment of  
22 this Act, the Secretary shall file and make  
23 available for public inspection in the head-  
24 quarters of the Pike-San Isabel National Forest  
25 a copy of all maps referred to in this section.



1 **SEC. 6004. CLARIFICATION RELATING TO A CERTAIN LAND**  
 2 **DESCRIPTION UNDER THE NORTHERN ARI-**  
 3 **ZONA LAND EXCHANGE AND VERDE RIVER**  
 4 **BASIN PARTNERSHIP ACT OF 2005.**

5 Section 104(a)(5) of the Northern Arizona Land Ex-  
 6 change and Verde River Basin Partnership Act of 2005  
 7 (Public Law 109–110; 119 Stat. 2356) is amended by in-  
 8 serting before the period at the end “, which, notwith-  
 9 standing section 102(a)(4)(B), includes the N<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub>  
 10 SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, the N<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, and the N<sup>1</sup>/<sub>2</sub>  
 11 N<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, sec. 34, T. 22 N., R. 2 E., Gila and  
 12 Salt River Meridian, Coconino County, comprising ap-  
 13 proximately 25 acres”.

14 **SEC. 6005. COOPER SPUR LAND EXCHANGE CLARIFICATION**  
 15 **AMENDMENTS.**

16 Section 1206(a) of the Omnibus Public Land Man-  
 17 agement Act of 2009 (Public Law 111–11; 123 Stat.  
 18 1018) is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (C), by striking “120  
 21 acres” and inserting “107 acres”; and

22 (B) in subparagraph (E)(ii), by inserting  
 23 “improvements,” after “buildings,”; and

24 (2) in paragraph (2)—

25 (A) in subparagraph (D)—

1 (i) in clause (i), by striking “As soon  
 2 as practicable after the date of enactment  
 3 of this Act, the Secretary and Mt. Hood  
 4 Meadows shall select” and inserting “Not  
 5 later than 120 days after the date of the  
 6 enactment of the Energy and Natural Re-  
 7 sources Act of 2017, the Secretary and Mt.  
 8 Hood Meadows shall jointly select”;

9 (ii) in clause (ii), in the matter pre-  
 10 ceding subclause (I), by striking “An ap-  
 11 praisal under clause (i) shall” and insert-  
 12 ing “Except as provided under clause (iii),  
 13 an appraisal under clause (i) shall assign a  
 14 separate value to each tax lot to allow for  
 15 the equalization of values and”; and

16 (iii) by adding at the end the fol-  
 17 lowing:

18 “(iii) FINAL APPRAISED VALUE.—

19 “(I) IN GENERAL.—Subject to  
 20 subclause (II), after the final ap-  
 21 praised value of the Federal land and  
 22 the non-Federal land are determined  
 23 and approved by the Secretary, the  
 24 Secretary shall not be required to re-  
 25 appraise or update the final appraised

1 value for a period of up to 3 years,  
 2 beginning on the date of the approval  
 3 by the Secretary of the final appraised  
 4 value.

5 “(II) EXCEPTION.—Subclause (I)  
 6 shall not apply if the condition of ei-  
 7 ther the Federal land or the non-Fed-  
 8 eral land referred to in subclause (I)  
 9 is significantly and substantially al-  
 10 tered by fire, windstorm, or other  
 11 events.

12 “(iv) PUBLIC REVIEW.—Before com-  
 13 pleting the land exchange under this Act,  
 14 the Secretary shall make available for pub-  
 15 lic review the complete appraisals of the  
 16 land to be exchanged.”; and

17 (B) by striking subparagraph (G) and in-  
 18 serting the following:

19 “(G) REQUIRED CONVEYANCE CONDI-  
 20 TIONS.—Prior to the exchange of the Federal  
 21 and non-Federal land—

22 “(i) the Secretary and Mt. Hood  
 23 Meadows may mutually agree for the Sec-  
 24 retary to reserve a conservation easement  
 25 to protect the identified wetland in accord-

1           ance with applicable law, subject to the re-  
2           quirements that—

3                   “(I) the conservation easement  
4                   shall be consistent with the terms of  
5                   the September 30, 2015, mediation  
6                   between the Secretary and Mt. Hood  
7                   Meadows; and

8                   “(II) in order to take effect, the  
9                   conservation easement shall be final-  
10                  ized not later than 120 days after the  
11                  date of enactment of the Energy and  
12                  Natural Resources Act of 2017; and

13                  “(ii) the Secretary shall reserve a 24-  
14                  foot-wide nonexclusive trail easement at  
15                  the existing trail locations on the Federal  
16                  land that retains for the United States ex-  
17                  isting rights to construct, reconstruct,  
18                  maintain, and permit nonmotorized use by  
19                  the public of existing trails subject to the  
20                  right of the owner of the Federal land—

21                   “(I) to cross the trails with  
22                   roads, utilities, and infrastructure fa-  
23                   cilities; and

1                   “(II) to improve or relocate the  
2                   trails to accommodate development of  
3                   the Federal land.

4                   “(H) EQUALIZATION OF VALUES.—

5                   “(i) IN GENERAL.—Notwithstanding  
6                   subparagraph (A), in addition to or in lieu  
7                   of monetary compensation, a lesser area of  
8                   Federal land or non-Federal land may be  
9                   conveyed if necessary to equalize appraised  
10                  values of the exchange properties, without  
11                  limitation, consistent with the require-  
12                  ments of this Act and subject to the ap-  
13                  proval of the Secretary and Mt. Hood  
14                  Meadows.

15                  “(ii) TREATMENT OF CERTAIN COM-  
16                  PENSATION OR CONVEYANCES AS DONA-  
17                  TION.—If, after payment of compensation  
18                  or adjustment of land area subject to ex-  
19                  change under this Act, the amount by  
20                  which the appraised value of the land and  
21                  other property conveyed by Mt. Hood  
22                  Meadows under subparagraph (A) exceeds  
23                  the appraised value of the land conveyed  
24                  by the Secretary under subparagraph (A)

1                   shall be considered a donation by Mt.  
2                   Hood Meadows to the United States.”.

3 **SEC. 6006. BLACK HILLS NATIONAL CEMETERY BOUNDARY**  
4 **MODIFICATION.**

5 (a) DEFINITIONS.—In this section:

6           (1) CEMETERY.—The term “Cemetery” means  
7           the Black Hills National Cemetery in Sturgis, South  
8           Dakota.

9           (2) FEDERAL LAND.—The term “Federal land”  
10          means the approximately 200 acres of Bureau of  
11          Land Management land adjacent to the Cemetery,  
12          generally depicted as “Proposed National Cemetery  
13          Expansion” on the map entitled “Proposed Expan-  
14          sion of Black Hills National Cemetery-South Da-  
15          kota” and dated June 16, 2016.

16 (b) TRANSFER AND WITHDRAWAL OF BUREAU OF  
17 LAND MANAGEMENT LAND FOR CEMETERY USE.—

18           (1) CONDUCT OF DUE DILIGENCE ACTIVITIES  
19           BY THE SECRETARY OF VETERANS AFFAIRS.—

20           (A) IN GENERAL.—Before the transfer of  
21           administrative jurisdiction and withdrawal of  
22           the Federal land under paragraphs (2) and (3),  
23           respectively, and subject to subparagraph (B),  
24           the Secretary of Veterans Affairs shall complete  
25           any appropriate environmental, cultural re-

1 source, and other due diligence activities on the  
2 Federal land that would enable the Secretary of  
3 Veterans Affairs to confirm that the Federal  
4 land is suitable for cemetery purposes.

5 (B) NOTICE; REQUIRED COORDINATION.—

6 The Secretary of Veterans Affairs shall—

7 (i) before conducting any due dili-  
8 gence activities under subparagraph (A),  
9 notify the Secretary of the activities to be  
10 conducted;

11 (ii) as the Secretary of Veterans Af-  
12 fairs determines to be necessary in the  
13 conduct of the due diligence activities  
14 under subparagraph (A), coordinate the  
15 activities with the Secretary; and

16 (iii) if the Secretary of Veterans Af-  
17 fairs determines, on completion of the due  
18 diligence activities under subparagraph  
19 (A), that the Federal land is suitable for  
20 cemetery purposes, submit written notice  
21 of the determination to the Secretary.

22 (2) TRANSFER OF ADMINISTRATIVE JURISDIC-  
23 TION.—

24 (A) TRANSFER.—

1 (i) IN GENERAL.—On receipt by the  
2 Secretary of written notice of a determina-  
3 tion that the Federal land is suitable for  
4 cemetery purposes under paragraph  
5 (1)(B)(iii), except as provided in clause  
6 (ii), and subject to valid existing rights,  
7 administrative jurisdiction over the Federal  
8 land is transferred from the Secretary to  
9 the Secretary of Veterans Affairs for use  
10 as a national cemetery in accordance with  
11 chapter 24 of title 38, United States Code.

12 (ii) EXCLUSION.—The transfer of ad-  
13 ministrative jurisdiction over the Federal  
14 land under clause (i) shall not include the  
15 land located within 100 feet of the center  
16 of the Centennial Trail, as generally de-  
17 picted on the map entitled “Proposed Ex-  
18 pansion of Black Hills National Cemetery-  
19 South Dakota” and dated June 16, 2016.

20 (B) LEGAL DESCRIPTIONS.—

21 (i) IN GENERAL.—As soon as prac-  
22 ticable after the date of enactment of this  
23 Act, the Secretary shall publish in the Fed-  
24 eral Register a notice containing a legal  
25 description of the Federal land.



1                   (ii) EFFECT.—A legal description  
2                   published under clause (i) shall have the  
3                   same force and effect as if included in this  
4                   section, except that the Secretary may cor-  
5                   rect any clerical and typographical errors  
6                   in the legal description.

7                   (iii) AVAILABILITY.—Copies of the  
8                   legal description published under clause (i)  
9                   shall be available for public inspection in  
10                  the appropriate offices of—

11                         (I) the Bureau of Land Manage-  
12                         ment; and

13                         (II) the National Cemetery Ad-  
14                         ministration.

15                  (iv) COSTS.—The Secretary of Vet-  
16                  erans Affairs shall reimburse the Secretary  
17                  for the costs incurred by the Secretary in  
18                  carrying out this subparagraph, including  
19                  the costs of any surveys and other reason-  
20                  able costs.

21                  (3) WITHDRAWAL.—On receipt by the Sec-  
22                  retary of written notice of a determination that the  
23                  Federal land is suitable for cemetery purposes under  
24                  paragraph (1)(B)(iii) and subject to valid existing  
25                  rights, the Federal land—

1 (A) is withdrawn from all forms of appro-  
 2 priation under the public land laws, including  
 3 the mining laws, the mineral leasing laws, and  
 4 the geothermal leasing laws; and

5 (B) shall be treated as property as defined  
 6 under section 102(9) of title 40, United States  
 7 Code.

8 (4) BOUNDARY MODIFICATION.—The boundary  
 9 of the Cemetery is modified to include the Federal  
 10 land.

11 (5) MODIFICATION OF PUBLIC LAND ORDER.—  
 12 Public Land Order 2112, dated June 6, 1960 (25  
 13 Fed. Reg. 5243), is modified to exclude the Federal  
 14 land.

15 **SEC. 6007. COW CREEK UMPQUA LAND CONVEYANCE.**

16 (a) DEFINITIONS.—In this section:

17 (1) COUNCIL CREEK LAND.—The term “Council  
 18 Creek land” means the approximately 17,519 acres  
 19 of land, as generally depicted on the map entitled  
 20 “Canyon Mountain Land Conveyance” and dated  
 21 May 24, 2016.

22 (2) TRIBE.—The term “Tribe” means the Cow  
 23 Creek Band of Umpqua Tribe of Indians.

24 (b) LAND TO BE HELD IN TRUST.—

1           (1) IN GENERAL.—Subject to valid existing  
2           rights, including rights-of-way, all right, title, and  
3           interest of the United States in and to the Council  
4           Creek land, including any improvements located on  
5           the land, appurtenances to the land, and minerals on  
6           or in the land, including oil and gas, shall be—

7                   (A) held in trust by the United States for  
8                   the benefit of the Tribe; and

9                   (B) part of the reservation of the Tribe.

10          (2) SURVEY.—Not later than 2 years after the  
11          date of enactment of this Act, the Secretary shall  
12          complete a survey to establish the boundaries of the  
13          land taken into trust under paragraph (1).

14          (3) EFFECTIVE DATE.—Paragraph (1) shall  
15          take effect on the day after the date on which the  
16          Secretary records the agreement entered into under  
17          subsection (d)(4)(A).

18          (c) MAP AND LEGAL DESCRIPTION.—

19                (1) IN GENERAL.—As soon as practicable after  
20                the date of enactment of this Act, the Secretary  
21                shall file a map and legal description of the Council  
22                Creek land with—

23                   (A) the Committee on Energy and Natural  
24                   Resources of the Senate; and

1 (B) the Committee on Natural Resources  
2 of the House of Representatives.

3 (2) FORCE AND EFFECT.—The map and legal  
4 description filed under paragraph (1) shall have the  
5 same force and effect as if included in this section,  
6 except that the Secretary may correct any clerical or  
7 typographical errors in the map or legal description.

8 (3) PUBLIC AVAILABILITY.—The map and legal  
9 description filed under paragraph (1) shall be on file  
10 and available for public inspection in the Office of  
11 the Secretary.

12 (d) ADMINISTRATION.—

13 (1) IN GENERAL.—Unless expressly provided in  
14 this section, nothing in this section affects any right  
15 or claim of the Tribe existing on the date of enact-  
16 ment of this Act to any land or interest in land.

17 (2) PROHIBITIONS.—

18 (A) EXPORTS OF UNPROCESSED LOGS.—  
19 Federal law (including regulations) relating to  
20 the export of unprocessed logs harvested from  
21 Federal land shall apply to any unprocessed  
22 logs that are harvested from the Council Creek  
23 land.

24 (B) NON-PERMISSIBLE USE OF LAND.—  
25 Any real property taken into trust under sub-

1 section (b) shall not be eligible, or used, for any  
2 gaming activity carried out under Public Law  
3 100–497 (25 U.S.C. 2701 et seq.).

4 (3) FOREST MANAGEMENT.—Any forest man-  
5 agement activity that is carried out on the Council  
6 Creek land shall be managed in accordance with all  
7 applicable Federal laws.

8 (4) AGREEMENTS.—

9 (A) MEMORANDUM OF AGREEMENT FOR  
10 ADMINISTRATIVE ACCESS.—Not later than 180  
11 days after the date of enactment of this Act,  
12 the Secretary shall seek to enter into an agree-  
13 ment with the Tribe that secures existing ad-  
14 ministrative access by the Secretary to the  
15 Council Creek land.

16 (B) RECIPROCAL RIGHT-OF-WAY AGREE-  
17 MENTS.—

18 (i) IN GENERAL.—On the date on  
19 which the agreement is entered into under  
20 subparagraph (A), the Secretary shall pro-  
21 vide to the Tribe all reciprocal right-of-way  
22 agreements to the Council Creek land in  
23 existence as of the date of enactment of  
24 this Act.

1                   (ii) CONTINUED ACCESS.—Beginning  
2                   on the date on which the Council Creek  
3                   land is taken into trust under subsection  
4                   (b), the Tribe shall continue the access  
5                   provided by the agreements referred to in  
6                   clause (i) in perpetuity.

7                   (5) LAND USE PLANNING REQUIREMENTS.—Ex-  
8                   cept as provided in paragraph (3), once the Council  
9                   Creek land is taken into trust under subsection (b),  
10                  the Council Creek land shall not be subject to the  
11                  land use planning requirements of the Federal Land  
12                  Policy and Management Act of 1976 (43 U.S.C.  
13                  1701 et seq.) or the Act of August 28, 1937 (43  
14                  U.S.C. 1181a et seq.).

15                  (e) LAND RECLASSIFICATION.—

16                  (1) IDENTIFICATION OF OREGON AND CALI-  
17                  FORNIA RAILROAD GRANT LAND.—Not later than  
18                  180 days after the date of enactment of this Act, the  
19                  Secretary of Agriculture and the Secretary shall  
20                  identify any Oregon and California Railroad grant  
21                  land that is held in trust by the United States for  
22                  the benefit of the Tribe under subsection (b).

23                  (2) IDENTIFICATION OF PUBLIC DOMAIN  
24                  LAND.—Not later than 2 years after the date of en-

1 actment of this Act, the Secretary shall identify pub-  
2 lic domain land in the State of Oregon that—

3 (A) is approximately equal in acreage and  
4 condition as the Oregon and California Railroad  
5 grant land identified under paragraph (1); and

6 (B) is located within the 18 western Or-  
7 egon and California Railroad grant land coun-  
8 ties (other than Klamath County, Oregon).

9 (3) MAPS.—Not later than 3 years after the  
10 date of enactment of this Act, the Secretary shall  
11 submit to Congress and publish in the Federal Reg-  
12 ister 1 or more maps depicting the land identified in  
13 paragraphs (1) and (2).

14 (4) RECLASSIFICATION.—

15 (A) IN GENERAL.—After providing an op-  
16 portunity for public comment, the Secretary  
17 shall reclassify the land identified in paragraph  
18 (2) as Oregon and California Railroad grant  
19 land.

20 (B) APPLICABILITY.—The Act of August  
21 28, 1937 (43 U.S.C. 1181a et seq.), shall apply  
22 to land reclassified as Oregon and California  
23 Railroad grant land under subparagraph (A).

24 **SEC. 6008. OREGON COASTAL LAND.**

25 (a) DEFINITIONS.—In this section:

1           (1) CONFEDERATED TRIBES.—The term “Con-  
2       federated Tribes” means the Confederated Tribes of  
3       Coos, Lower Umpqua, and Siuslaw Indians.

4           (2) OREGON COASTAL LAND.—The term “Or-  
5       egon Coastal land” means the approximately 14,742  
6       acres of land, as generally depicted on the map enti-  
7       tled “Oregon Coastal Land Conveyance” and dated  
8       July 11, 2016.

9       (b) LAND TO BE HELD IN TRUST.—

10          (1) IN GENERAL.—Subject to valid existing  
11       rights, including rights-of-way, all right, title, and  
12       interest of the United States in and to the Oregon  
13       Coastal land, including any improvements located on  
14       the land, appurtenances to the land, and minerals on  
15       or in the land, including oil and gas, shall be—

16               (A) held in trust by the United States for  
17       the benefit of the Confederated Tribes; and

18               (B) part of the reservation of the Confed-  
19       erated Tribes.

20          (2) SURVEY.—Not later than 2 years after the  
21       date of enactment of this Act, the Secretary shall  
22       complete a survey to establish the boundaries of the  
23       land taken into trust under paragraph (1).

24          (3) EFFECTIVE DATE.—Paragraph (1) shall  
25       take effect on the day after the date on which the



1 Secretary records the agreement entered into under  
2 subsection (d)(4)(A).

3 (c) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after  
5 the date of enactment of this Act, the Secretary  
6 shall file a map and legal description of the Oregon  
7 Coastal land with—

8 (A) the Committee on Energy and Natural  
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources  
11 of the House of Representatives.

12 (2) FORCE AND EFFECT.—The map and legal  
13 description filed under paragraph (1) shall have the  
14 same force and effect as if included in this section,  
15 except that the Secretary may correct any clerical or  
16 typographical errors in the map or legal description.

17 (3) PUBLIC AVAILABILITY.—The map and legal  
18 description filed under paragraph (1) shall be on file  
19 and available for public inspection in the Office of  
20 the Secretary.

21 (d) ADMINISTRATION.—

22 (1) IN GENERAL.—Unless expressly provided in  
23 this section, nothing in this section affects any right  
24 or claim of the Confederated Tribes existing on the

1 date of enactment of this Act to any land or interest  
2 in land.

3 (2) PROHIBITIONS.—

4 (A) EXPORTS OF UNPROCESSED LOGS.—

5 Federal law (including regulations) relating to  
6 the export of unprocessed logs harvested from  
7 Federal land shall apply to any unprocessed  
8 logs that are harvested from the Oregon Coast-  
9 al land taken into trust under subsection (b).

10 (B) NON-PERMISSIBLE USE OF LAND.—

11 Any real property taken into trust under sub-  
12 section (b) shall not be eligible, or used, for any  
13 gaming activity carried out under Public Law  
14 100–497 (25 U.S.C. 2701 et seq.).

15 (3) FOREST MANAGEMENT.—Any forest man-  
16 agement activity that is carried out on the Oregon  
17 Coastal land shall be managed in accordance with all  
18 applicable Federal laws.

19 (4) AGREEMENTS.—

20 (A) MEMORANDUM OF AGREEMENT FOR

21 ADMINISTRATIVE ACCESS.—Not later than 180  
22 days after the date of enactment of this Act,  
23 the Secretary shall seek to enter into an agree-  
24 ment with the Confederated Tribes that secures  
25 existing administrative access by the Secretary

1 to the Oregon Coastal land and that provides  
2 for—

3 (i) access for certain activities, includ-  
4 ing—

5 (I) forest management;

6 (II) timber and rock haul;

7 (III) road maintenance;

8 (IV) wildland fire protection and  
9 management;

10 (V) cadastral surveys;

11 (VI) wildlife, cultural, and other  
12 surveys; and

13 (VII) law enforcement activities;

14 (ii) the management of the Oregon  
15 Coastal land that is acquired or developed  
16 under chapter 2003 of title 54, United  
17 States Code, consistent with section  
18 200305(f)(3) of that title; and

19 (iii) the terms of public vehicular  
20 transit across the Oregon Coastal land to  
21 and from the Hult Log Storage Reservoir  
22 located in T. 15 S., R. 7 W., as generally  
23 depicted on the map described in sub-  
24 section (a)(2), subject to the requirement  
25 that if the Bureau of Land Management

discontinues maintenance of the public recreation site known as “Hult Reservoir”, the terms of any agreement in effect on that date that provides for public vehicular transit to and from the Hult Log Storage Reservoir shall be void.

(B) RECIPROCAL RIGHT-OF-WAY AGREEMENTS.—

(i) IN GENERAL.—On the date on which the agreement is entered into under subparagraph (A), the Secretary shall provide to the Confederated Tribes all reciprocal right-of-way agreements to the Oregon Coastal land in existence on the date of enactment of this Act.

(ii) CONTINUED ACCESS.—Beginning on the date on which the Oregon Coastal land is taken into trust under subsection (b), the Confederated Tribes shall continue the access provided by the reciprocal right-of-way agreements referred to in clause (i) in perpetuity.

(5) LAND USE PLANNING REQUIREMENTS.—Except as provided in paragraph (3), once the Oregon Coastal land is taken into trust under subsection

1 (b), the Oregon Coastal land shall not be subject to  
2 the land use planning requirements of the Federal  
3 Land Policy and Management Act of 1976 (43  
4 U.S.C. 1701 et seq.) or the Act of August 28, 1937  
5 (43 U.S.C. 1181a et seq.).

6 (e) LAND RECLASSIFICATION.—

7 (1) IDENTIFICATION OF OREGON AND CALI-  
8 FORNIA RAILROAD GRANT LAND.—Not later than  
9 180 days after the date of enactment of this Act, the  
10 Secretary of Agriculture and the Secretary shall  
11 identify any Oregon and California Railroad grant  
12 land that is held in trust by the United States for  
13 the benefit of the Confederated Tribes under sub-  
14 section (b).

15 (2) IDENTIFICATION OF PUBLIC DOMAIN  
16 LAND.—Not later than 2 years after the date of en-  
17 actment of this Act, the Secretary shall identify pub-  
18 lic domain land in the State of Oregon that—

19 (A) is approximately equal in acreage and  
20 condition as the Oregon and California Railroad  
21 grant land identified under paragraph (1); and

22 (B) is located within the 18 western Or-  
23 egon and California Railroad grant land coun-  
24 ties (other than Klamath County, Oregon).

1           (3) MAPS.—Not later than 3 years after the  
 2           date of enactment of this Act, the Secretary shall  
 3           submit to Congress and publish in the Federal Reg-  
 4           ister 1 or more maps depicting the land identified in  
 5           paragraphs (1) and (2).

6           (4) RECLASSIFICATION.—

7                   (A) IN GENERAL.—After providing an op-  
 8                   portunity for public comment, the Secretary  
 9                   shall reclassify the land identified in paragraph  
 10                  (2) as Oregon and California Railroad grant  
 11                  land.

12                  (B) APPLICABILITY.—The Act of August  
 13                  28, 1937 (43 U.S.C. 1181a et seq.), shall apply  
 14                  to land reclassified as Oregon and California  
 15                  Railroad grant land under subparagraph (A).

16 **SEC. 6009. AMENDMENTS TO COQUILLE RESTORATION ACT.**

17           Section 5(d) of the Coquille Restoration Act (Public  
 18           Law 101–42; 103 Stat. 92, 110 Stat. 3009–537) is  
 19           amended—

20                   (1) by striking paragraph (5) and inserting the  
 21                   following:

22                   “(5) MANAGEMENT.—

23                           “(A) IN GENERAL.—Subject to subpara-  
 24                           graph (B), the Secretary, acting through the  
 25                           Assistant Secretary for Indian Affairs, shall

1 manage the Coquille Forest in accordance with  
2 the laws pertaining to the management of In-  
3 dian trust land.

4 “(B) ADMINISTRATION.—

5 “(i) UNPROCESSED LOGS.—Unproc-  
6 essed logs harvested from the Coquille For-  
7 est shall be subject to the same Federal  
8 statutory restrictions on export to foreign  
9 nations that apply to unprocessed logs har-  
10 vested from Federal land.

11 “(ii) SALES OF TIMBER.—Notwith-  
12 standing any other provision of law, all  
13 sales of timber from land subject to this  
14 subsection shall be advertised, offered, and  
15 awarded according to competitive bidding  
16 practices, with sales being awarded to the  
17 highest responsible bidder.”;

18 (2) by striking paragraph (9); and

19 (3) by redesignating paragraphs (10) through  
20 (12) as paragraphs (9) through (11), respectively.

1 **SEC. 6010. CONVEYANCE OF FEDERAL LAND WITHIN THE**  
2 **SWAN LAKE HYDROELECTRIC PROJECT**  
3 **BOUNDARY.**

4 Not later than 18 months after the date of enactment  
5 of this Act, the Secretary, after consultation with the Sec-  
6 retary of Agriculture, shall—

7 (1) survey the exterior boundaries of the tract  
8 of Federal land within the project boundary of the  
9 Swan Lake Hydroelectric Project (FERC No. 2911)  
10 as generally depicted and labeled “Lost Creek” on  
11 the map entitled “Swan Lake Project Boundary—  
12 Lot 2” and dated February 1, 2016; and

13 (2) issue a patent to the State of Alaska for the  
14 tract described in paragraph (1) in accordance  
15 with—

16 (A) the survey authorized under paragraph  
17 (1);

18 (B) section 6(a) of the Act of July 7, 1958  
19 (commonly known as the “Alaska Statehood  
20 Act”) (48 U.S.C. note prec. 21; Public Law 85–  
21 508); and

22 (C) section 24 of the Federal Power Act  
23 (16 U.S.C. 818).

24 **SEC. 6011. PASCUA YAQUI TRIBE LAND CONVEYANCE.**

25 (a) DEFINITIONS.—In this section:



1           (1) DISTRICT.—The term “District” means the  
 2       Tucson Unified School District No. 1, a school dis-  
 3       trict recognized as such under the laws of the State  
 4       of Arizona.

5           (2) MAP.—The term “Map” means the map ti-  
 6       tled “‘Pascua Yaqui Tribe Land Conveyance Act”,  
 7       dated March 14, 2016, and on file and available for  
 8       public inspection in the local office of the Bureau of  
 9       Land Management.

10          (3) RECREATION AND PUBLIC PURPOSES  
 11       ACT.—The term “Recreation and Public Purposes  
 12       Act” means the Act of June 14, 1926 (43 U.S.C.  
 13       869 et seq.).

14          (4) TRIBE.—The term “Tribe” means the  
 15       Pascua Yaqui Tribe of Arizona, a federally recog-  
 16       nized Indian tribe.

17       (b) LAND TO BE HELD IN TRUST.—

18           (1) PARCEL A.—Subject to paragraph (2) and  
 19       to valid existing rights, all right, title, and interest  
 20       of the United States in and to the approximately  
 21       39.65 acres of Federal lands generally depicted on  
 22       the map as “Parcel A” are declared to be held in  
 23       trust by the United States for the benefit of the  
 24       Tribe.

1           (2) EFFECTIVE DATE.—Paragraph (1) shall  
2       take effect on the day after the date on which the  
3       District relinquishes all right, title, and interest of  
4       the District in and to the approximately 39.65 acres  
5       of land described in paragraph (1).

6       (c) LANDS TO BE CONVEYED TO THE DISTRICT.—

7           (1) PARCEL B.—

8           (A) IN GENERAL.—Subject to valid exist-  
9       ing rights and payment to the United States of  
10      the fair market value, the United States shall  
11      convey to the District all right, title, and inter-  
12      est of the United States in and to the approxi-  
13      mately 13.24 acres of Federal lands generally  
14      depicted on the map as “Parcel B”.

15          (B) DETERMINATION OF FAIR MARKET  
16      VALUE.—The fair market value of the property  
17      to be conveyed under subparagraph (A) shall be  
18      determined by the Secretary in accordance with  
19      the Uniform Appraisal Standards for Federal  
20      Land Acquisitions and the Uniform Standards  
21      of Professional Appraisal Practice.

22          (C) COSTS OF CONVEYANCE.—As a condi-  
23      tion of the conveyance under this paragraph, all  
24      costs associated with the conveyance shall be  
25      paid by the District.

1           (2) PARCEL C.—

2           (A) IN GENERAL.—If, not later than 1  
3           year after the completion of the appraisal re-  
4           quired by subparagraph (C), the District sub-  
5           mits to the Secretary an offer to acquire the  
6           Federal reversionary interest in all of the ap-  
7           proximately 27.5 acres of land conveyed to the  
8           District under Recreation and Public Purposes  
9           Act and generally depicted on the map as “Par-  
10          cel C”, the Secretary shall convey to the Dis-  
11          trict such reversionary interest in the lands cov-  
12          ered by the offer. The Secretary shall complete  
13          the conveyance not later than 30 days after the  
14          date of the offer.

15          (B) SURVEY.—Not later than 90 days  
16          after the date of the enactment of this Act, the  
17          Secretary shall complete a survey of the lands  
18          described in this paragraph to determine the  
19          precise boundaries and acreage of the lands  
20          subject to the Federal reversionary interest.

21          (C) APPRAISAL.—Not later than 180 days  
22          after the date of enactment of this Act, the Sec-  
23          retary shall complete an appraisal of the Fed-  
24          eral reversionary interest in the lands identified  
25          by the survey required by subparagraph (B).

1           The appraisal shall be completed in accordance  
2           with the Uniform Appraisal Standards for Fed-  
3           eral Land Acquisitions and the Uniform Stand-  
4           ards of Professional Appraisal Practice.

5           (D) CONSIDERATION.—As consideration  
6           for the conveyance of the Federal reversionary  
7           interest under this paragraph, the District shall  
8           pay to the Secretary an amount equal to the  
9           appraised value of the Federal interest, as de-  
10          termined under subparagraph (C). The consid-  
11          eration shall be paid not later than 30 days  
12          after the date of the conveyance.

13          (E) COSTS OF CONVEYANCE.—As a condi-  
14          tion of the conveyance under this paragraph, all  
15          costs associated with the conveyance, including  
16          the cost of the survey required by subparagraph  
17          (B) and the appraisal required by subparagraph  
18          (C), shall be paid by the District.

19          (d) GAMING PROHIBITION.—The Tribe may not con-  
20          duct gaming activities on lands taken into trust pursuant  
21          to this section, either as a matter of claimed inherent au-  
22          thority, under the authority of any Federal law, including  
23          the Indian Gaming Regulatory Act (25 U.S.C. 2701 et  
24          seq.), or under regulations promulgated by the Secretary  
25          or the National Indian Gaming Commission.

1 (e) WATER RIGHTS.—

2 (1) IN GENERAL.—There shall be no Federal  
3 reserved right to surface water or groundwater for  
4 any land taken into trust by the United States for  
5 the benefit of the Tribe under this section.

6 (2) STATE WATER RIGHTS.—The Tribe retains  
7 any right or claim to water under State law for any  
8 land taken into trust by the United States for the  
9 benefit of the Tribe under this section.

10 (3) FORFEITURE OR ABANDONMENT.—Any  
11 water rights that are appurtenant to land taken into  
12 trust by the United States for the benefit of the  
13 Tribe under this section may not be forfeited or  
14 abandoned.

15 (4) ADMINISTRATION.—Nothing in this section  
16 affects or modifies any right of the Tribe or any ob-  
17 ligation of the United States under Public Law 95–  
18 375 (92 Stat. 712; 108 Stat. 3418).

## 19 **Subtitle B—Land Management**

### 20 **SEC. 6101. CADASTRE OF FEDERAL REAL PROPERTY.**

21 (a) DEFINITION OF CADASTRE.—In this section, the  
22 term “cadastre” means a geospatially enabled inventory  
23 of buildings and other real property (including associated  
24 infrastructure such as roads and utility transmission lines  
25 and pipelines) located on land administered by the Sec-

1   retary, which is developed through collecting, storing, re-  
2   trieving, or disseminating graphical or digital data and  
3   any information related to the data, including surveys,  
4   maps, charts, images, and services.

5       (b) CADASTRE OF FEDERAL REAL PROPERTY.—

6           (1) IN GENERAL.—The Secretary is author-  
7       ized—

8               (A) to develop and maintain a current and  
9               accurate multipurpose cadastre to support Fed-  
10              eral land management activities for the Depart-  
11              ment and the Forest Service;

12              (B) to incorporate any related inventories  
13              of Federal real property, including any inven-  
14              tories prepared under applicable land or re-  
15              source management plans; and

16              (C) to enter into discussions with other  
17              Federal agencies, including the Forest Service,  
18              to make the cadastre available for use by the  
19              Department, the Forest Service, and other Fed-  
20              eral agencies to support agency management  
21              activities.

22       (2) COST-SHARING AGREEMENTS.—

23           (A) IN GENERAL.—The Secretary may  
24       enter into cost-sharing agreements with other  
25       Federal agencies, and with States, Indian

1 tribes, and local governments, to include any  
2 non-Federal land in the cadastre.

3 (B) COST SHARE.—The Federal share of  
4 any cost agreement described in subparagraph  
5 (A) shall not exceed 50 percent of the total cost  
6 required to make the cadastre available to non-  
7 Federal entities.

8 (3) CONSOLIDATION AND REPORT.—Not later  
9 than 180 days after the date of enactment of this  
10 Act, the Secretary shall submit to the Committee on  
11 Energy and Natural Resources of the Senate and  
12 the Committee on Natural Resources of the House  
13 of Representatives a report on the real property in-  
14 ventories or any components of any cadastre or re-  
15 lated inventories that—

16 (A) exist as of the date of enactment of  
17 this Act;

18 (B) are authorized by law or conducted by  
19 the Secretary; and

20 (C) are of sufficient accuracy to be in-  
21 cluded in the cadastre authorized under para-  
22 graph (1).

23 (4) COORDINATION.—In carrying out this sub-  
24 section, the Secretary—

1           (A) shall participate (in accordance with  
2           section 216 of the E–Government Act of 2002  
3           (44 U.S.C. 3501 note; Public Law 107–347))  
4           in the establishment of such standards and  
5           common protocols as are necessary to ensure  
6           the interoperability of geospatial information  
7           pertaining to the cadastre for all users of the  
8           information;

9           (B) shall coordinate with, seek assistance  
10          and cooperation of, and provide liaison to the  
11          Federal Geographic Data Committee pursuant  
12          to Office of Management and Budget Circular  
13          A–16 and Executive Order 12906 (43 U.S.C.  
14          1457 note; relating to coordinating geographic  
15          data acquisition and access: the National Spa-  
16          tial Data Infrastructure) for the implementa-  
17          tion of and compliance with such standards as  
18          may be applicable to the cadastre;

19          (C) shall make the cadastre interoperable  
20          with the Federal Real Property Profile estab-  
21          lished pursuant to Executive Order 13327 (40  
22          U.S.C. 121 note; relating to Federal real prop-  
23          erty asset management);

24          (D) shall integrate with and leverage, to  
25          the maximum extent practicable, cadastre ac-



1           tivities of units of State and local government;  
2           and

3           (E) may use contracts with the private sec-  
4           tor, if practicable, to provide such products and  
5           services as are necessary to develop the cadas-  
6           tre.

7           (c) TRANSPARENCY AND PUBLIC ACCESS.—The Sec-  
8   retary shall—

9           (1) make the cadastre required under this sec-  
10          tion publicly available on the Internet in a graphi-  
11          cally geoenabled and searchable format; and

12          (2) in consultation with the Secretary of De-  
13          fense and the Secretary of Homeland Security, pre-  
14          vent the disclosure of the identity of any buildings  
15          or facilities, or information related to the buildings  
16          or facilities, if the disclosure would impair or jeop-  
17          ardize the national security or homeland defense of  
18          the United States.

19          (d) EFFECT.—Nothing in this section—

20          (1) creates any substantive or procedural right  
21          or benefit;

22          (2) authorizes any new surveying or mapping of  
23          Federal real property, except that a Federal agency  
24          may conduct a new survey to update the accuracy of

1 the inventory data of the agency before storage on  
 2 a cadaster; or

3 (3) authorizes—

4 (A) the evaluation of any real property  
 5 owned by the United States for disposal; or

6 (B) new appraisals or assessments of the  
 7 value of—

8 (i) real property; or

9 (ii) cultural or archaeological re-  
 10 sources on any parcel of Federal land or  
 11 other real property.

12 **SEC. 6102. ADDITIONAL AUTHORITY FOR SALE OR EX-**  
 13 **CHANGE OF SMALL PARCELS OF NATIONAL**  
 14 **FOREST SYSTEM LAND.**

15 Section 3 of Public Law 97–465 (commonly known  
 16 as the “Small Tracts Act”) (16 U.S.C. 521e) is amend-  
 17 ed—

18 (1) in the matter preceding paragraph (1), by  
 19 striking “\$150,000” and inserting “\$500,000”; and

20 (2) in paragraph (1)—

21 (A) by striking “under the mining laws”;  
 22 and

23 (B) by striking the semicolon at the end  
 24 and inserting “, or have lost their National  
 25 Forest character;”.

1 **SEC. 6103. BOLTS DITCH ACCESS.**

2 (a) ACCESS GRANTED.—The Secretary of Agriculture  
3 shall permit by special use authorization nonmotorized ac-  
4 cess and use, in accordance with section 293.6 of title 36,  
5 Code of Federal Regulations, of the Bolts Ditch Headgate  
6 and the Bolts Ditch within the Holy Cross Wilderness,  
7 Colorado, as designated by Public Law 96–560, for the  
8 purposes of the diversion of water and use, maintenance,  
9 and repair of such ditch and headgate by the Town of  
10 Minturn, Colorado, a Colorado Home Rule Municipality.

11 (b) LOCATION OF FACILITIES.—The Bolts Ditch  
12 headgate and ditch segment referenced in subsection (a)  
13 are as generally depicted on the map entitled “Bolts Ditch  
14 headgate and Ditch Segment”, dated November, 2015.

15 **SEC. 6104. DESIGNATION OF ALEX DIEKMANN PEAK, MON-**  
16 **TANA.**

17 (a) IN GENERAL.—The unnamed 9,765-foot peak lo-  
18 cated 2.2 miles west-northwest of Finger Mountain on the  
19 western boundary of the Lee Metcalf Wilderness, Montana  
20 (UTM coordinates Zone 12, 457966 E., 4982589 N.),  
21 shall be known and designated as “Alex Diekmann Peak”.

22 (b) REFERENCES.—Any reference in a law, map, reg-  
23 ulation, document, record, or other paper of the United  
24 States to the peak described in subsection (a) shall be con-  
25 sidered to be a reference to “Alex Diekmann Peak”.

1 **SEC. 6105. METHOW VALLEY, WASHINGTON, FEDERAL LAND**  
2 **WITHDRAWAL.**

3 (a) DEFINITION OF MAP.—In this section, the term  
4 “Map” means the Forest Service map entitled “Methow  
5 Headwaters Withdrawal Proposal Legislative Map” and  
6 dated May 24, 2016.

7 (b) WITHDRAWAL.—Subject to valid existing rights,  
8 the approximately 340,079 acres of Federal land and in-  
9 terests in the land located in the Okanogan-Wenatchee  
10 National Forest within the area depicted on the Map as  
11 “Proposed Withdrawal” is withdrawn from all forms of—

12 (1) entry, appropriation, or disposal under the  
13 public land laws;

14 (2) location, entry, and patent under the mining  
15 laws; and

16 (3) disposition under the mineral leasing and  
17 geothermal leasing laws.

18 (c) ACQUIRED LAND.—Any land or interest in land  
19 within the area depicted on the Map as “Proposed With-  
20 drawal” that is acquired by the United States after the  
21 date of enactment of this Act shall, on acquisition, be im-  
22 mediately withdrawn in accordance with this section.

23 (d) AVAILABILITY OF MAP.—The Map shall be kept  
24 on file and made available for public inspection in the ap-  
25 propriate offices of the Forest Service and the Bureau of  
26 Land Management.

1 **SEC. 6106. FRANK AND JEANNE MOORE WILD STEELHEAD**  
2 **SPECIAL MANAGEMENT AREA, OREGON.**

3 (a) FINDINGS.—Congress finds that—

4 (1) Frank Moore has committed his life to fam-  
5 ily, friends, his country, and fly fishing;

6 (2) Frank Moore is a World War II veteran  
7 who stormed the beaches of Normandy along with  
8 150,000 troops during the D-Day Allied invasion  
9 and was awarded the Chevalier of the French Legion  
10 of Honor for his bravery;

11 (3) Frank Moore returned home after the war,  
12 started a family, and pursued his passion of fishing  
13 on the winding rivers in Oregon;

14 (4) as the proprietors of the Steamboat Inn  
15 along the North Umpqua River in Oregon for nearly  
16 20 years, Frank and Jeanne Moore shared their love  
17 of fishing, the flowing river, and the great outdoors  
18 with visitors from all over the United States and the  
19 world;

20 (5) Frank Moore has spent most of his life fish-  
21 ing the vast rivers of Oregon, during which time he  
22 has contributed significantly to efforts to conserve  
23 fish habitats and protect river health, including serv-  
24 ing on the State of Oregon Fish and Wildlife Com-  
25 mission;

1           (6) Frank Moore has been recognized for his  
2       conservation work with the National Wildlife Fed-  
3       eration Conservationist of the Year award, the Wild  
4       Steelhead Coalition Conservation Award, and his  
5       2010 induction into the Fresh Water Fishing Hall  
6       of Fame;

7           (7) Jeanne Moore has dedicated many years to  
8       studying, documenting, and bringing attention to  
9       rare and native plants and flowers in the Umpqua  
10      National Forest;

11          (8) the work and dedication of Jeanne Moore  
12      led to the establishment of the Limpy Rock Re-  
13      search Natural Area in the Umpqua National Forest  
14      and the protection of unique native plant species;  
15      and

16          (9) in honor of the many accomplishments of  
17      Frank and Jeanne Moore, both on and off the river,  
18      approximately 99,653 acres of Forest Service land in  
19      the State of Oregon should be designated as the  
20      “Frank and Jeanne Moore Wild Steelhead Special  
21      Management Area”.

22      (b) DEFINITIONS.—In this section:

23          (1) MAP.—The term “Map” means the map en-  
24      titled “Frank Moore Wild Steelhead Special Man-

1       agement Area Designation Act” and dated June 23,  
2       2016.

3               (2) SECRETARY.—The term “Secretary” means  
4       the Secretary of Agriculture, acting through the  
5       Chief of the Forest Service.

6               (3) SPECIAL MANAGEMENT AREA.—The term  
7       “Special Management Area” means the Frank and  
8       Jeanne Moore Wild Steelhead Special Management  
9       Area designated by subsection (c).

10              (4) STATE.—The term “State” means the State  
11      of Oregon.

12              (c) DESIGNATION.—The approximately 99,653 acres  
13      of Forest Service land in the State, as generally depicted  
14      on the Map, is designated as the “Frank and Jeanne  
15      Moore Wild Steelhead Special Management Area”.

16              (d) MAP; LEGAL DESCRIPTION.—

17                (1) IN GENERAL.—As soon as practicable after  
18      the date of enactment of this Act, the Secretary  
19      shall prepare a map and legal description of the Spe-  
20      cial Management Area.

21                (2) FORCE OF LAW.—The map and legal de-  
22      scription prepared under paragraph (1) shall have  
23      the same force and effect as if included in this sec-  
24      tion, except that the Secretary may correct clerical

1 and typographical errors in the map and legal de-  
2 scription.

3 (3) AVAILABILITY.—The map and legal descrip-  
4 tion prepared under paragraph (1) shall be on file  
5 and available for public inspection in the appropriate  
6 offices of the Forest Service.

7 (e) ADMINISTRATION.—Subject to valid existing  
8 rights, the Special Management Area shall be adminis-  
9 tered by the Secretary—

10 (1) in accordance with all laws (including regu-  
11 lations) applicable to the National Forest System;  
12 and

13 (2) in a manner that—

14 (A) conserves and enhances the natural  
15 character, scientific use, and the botanical, rec-  
16 reational, ecological, fish and wildlife, scenic,  
17 drinking water, and cultural values of the Spe-  
18 cial Management Area;

19 (B) maintains and seeks to enhance the  
20 wild salmonid habitat of the Special Manage-  
21 ment Area;

22 (C) maintains or enhances the watershed  
23 as a thermal refuge for wild salmonids; and

24 (D) preserves opportunities for recreation,  
25 including primitive recreation.



1       (f) FISH AND WILDLIFE.—Nothing in this section af-  
2 ffects the jurisdiction or responsibilities of the State with  
3 respect to fish and wildlife in the State.

4       (g) ADJACENT MANAGEMENT.—Nothing in this sec-  
5 tion—

6           (1) creates any protective perimeter or buffer  
7 zone around the Special Management Area; or

8           (2) modifies the applicable travel management  
9 plan for the Special Management Area.

10       (h) WILDFIRE MANAGEMENT.—Nothing in this sec-  
11 tion prohibits the Secretary, in cooperation with other  
12 Federal, State, and local agencies, as appropriate, from  
13 conducting wildland fire operations in the Special Manage-  
14 ment Area, consistent with the purposes of this section,  
15 including the use of aircraft, machinery, mechanized  
16 equipment, fire breaks, backfires, and retardant.

17       (i) VEGETATION MANAGEMENT.—Nothing in this  
18 section prohibits the Secretary from conducting vegetation  
19 management projects within the Special Management  
20 Area in a manner consistent with—

21           (1) the purposes described in subsection (e);

22       and

23           (2) the applicable forest plan.

1 (j) PROTECTION OF TRIBAL RIGHTS.—Nothing in  
 2 this section diminishes any treaty rights of an Indian  
 3 tribe.

4 (k) WITHDRAWAL.—Subject to valid existing rights,  
 5 the Federal land within the boundaries of the Special  
 6 Management Area river segments designated by sub-  
 7 section (c) is withdrawn from all forms of—

8 (1) entry, appropriation, or disposal under the  
 9 public land laws;

10 (2) location, entry, and patent under the mining  
 11 laws; and

12 (3) disposition under all laws relating to min-  
 13 eral and geothermal leasing or mineral materials.

14 **SEC. 6107. EXPEDITED ACCESS TO CERTAIN FEDERAL**  
 15 **LAND.**

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE.—The term “eligible”, with re-  
 18 spect to an organization or individual, means that  
 19 the organization or individual, respectively, is—

20 (A) acting in a not-for-profit capacity; and

21 (B) composed entirely of members who, at  
 22 the time of the good Samaritan search-and-re-  
 23 covery mission, have attained the age of major-  
 24 ity under the law of the State where the mis-  
 25 sion takes place.

1           (2) GOOD SAMARITAN SEARCH-AND-RECOVERY  
2       MISSION.—The term “good Samaritan search-and-  
3       recovery mission” means a search conducted by an  
4       eligible organization or individual for 1 or more  
5       missing individuals believed to be deceased at the  
6       time that the search is initiated.

7           (3) SECRETARY.—The term “Secretary” means  
8       the Secretary or the Secretary of Agriculture, as ap-  
9       plicable.

10       (b) PROCESS.—

11           (1) IN GENERAL.—Each Secretary shall develop  
12       and implement a process to expedite access to Fed-  
13       eral land under the administrative jurisdiction of the  
14       Secretary for eligible organizations and individuals  
15       to request access to Federal land to conduct good  
16       Samaritan search-and-recovery missions.

17           (2) INCLUSIONS.—The process developed and  
18       implemented under this subsection shall include pro-  
19       visions to clarify that—

20                   (A) an eligible organization or individual  
21       granted access under this section—

22                           (i) shall be acting for private pur-  
23       poses; and

24                           (ii) shall not be considered to be a  
25       Federal volunteer;

1 (B) an eligible organization or individual  
2 conducting a good Samaritan search-and-recov-  
3 ery mission under this section shall not be con-  
4 sidered to be a volunteer under section  
5 102301(c) of title 54, United States Code;

6 (C) chapter 171 of title 28, United States  
7 Code (commonly known as the “Federal Tort  
8 Claims Act”), shall not apply to an eligible or-  
9 ganization or individual carrying out a privately  
10 requested good Samaritan search-and-recovery  
11 mission under this section; and

12 (D) chapter 81 of title 5, United States  
13 Code (commonly known as the “Federal Em-  
14 ployees Compensation Act”), shall not apply to  
15 an eligible organization or individual conducting  
16 a good Samaritan search-and-recovery mission  
17 under this section, and the conduct of the good  
18 Samaritan search-and-recovery mission shall  
19 not constitute civilian employment.

20 (c) RELEASE OF FEDERAL GOVERNMENT FROM LI-  
21 ABILITY.—The Secretary shall not require an eligible or-  
22 ganization or individual to have liability insurance as a  
23 condition of accessing Federal land under this section, if  
24 the eligible organization or individual—

1           (1) acknowledges and consents, in writing, to  
2           the provisions described in subparagraphs (A)  
3           through (D) of subsection (b)(2); and

4           (2) signs a waiver releasing the Federal Gov-  
5           ernment from all liability relating to the access  
6           granted under this section and agrees to indemnify  
7           and hold harmless the United States from any  
8           claims or lawsuits arising from any conduct by the  
9           eligible organization or individual on Federal land.

10       (d) APPROVAL AND DENIAL OF REQUESTS.—

11           (1) IN GENERAL.—The Secretary shall notify  
12           an eligible organization or individual of the approval  
13           or denial of a request by the eligible organization or  
14           individual to carry out a good Samaritan search-  
15           and-recovery mission under this section by not later  
16           than 48 hours after the request is made.

17           (2) DENIALS.—If the Secretary denies a re-  
18           quest from an eligible organization or individual to  
19           carry out a good Samaritan search-and-recovery mis-  
20           sion under this section, the Secretary shall notify the  
21           eligible organization or individual of—

22                   (A) the reason for the denial of the re-  
23                   quest; and

1                   (B) any actions that the eligible organiza-  
2                   tion or individual can take to meet the require-  
3                   ments for the request to be approved.

4           (e) PARTNERSHIPS.—Each Secretary shall develop  
5 search-and-recovery-focused partnerships with search-and-  
6 recovery organizations—

7                   (1) to coordinate good Samaritan search-and-  
8                   recovery missions on Federal land under the admin-  
9                   istrative jurisdiction of the Secretary; and

10                  (2) to expedite and accelerate good Samaritan  
11                  search-and-recovery mission efforts for missing indi-  
12                  viduals on Federal land under the administrative ju-  
13                  risdiction of the Secretary.

14           (f) REPORT.—Not later than 180 days after the date  
15 of enactment of this Act, the Secretaries shall submit to  
16 Congress a joint report describing—

17                   (1) plans to develop partnerships described in  
18                   subsection (e)(1); and

19                   (2) efforts carried out to expedite and accel-  
20                   erate good Samaritan search-and-recovery mission  
21                   efforts for missing individuals on Federal land under  
22                   the administrative jurisdiction of each Secretary  
23                   pursuant to subsection (e)(2).

1 **SEC. 6108. MAINTENANCE OR REPLACEMENT OF FACILI-**  
2 **TIES AND STRUCTURES AT SMITH GULCH.**

3 The authorization of the Secretary of Agriculture to  
4 maintain or replace facilities or structures for commercial  
5 recreation services at Smith Gulch under section  
6 3(a)(24)(D) of the Wild and Scenic Rivers Act (16 U.S.C.  
7 1274(a)(24)(D))—

8 (1) may include improvements or replacements  
9 that the Secretary of Agriculture determines—

10 (A) are consistent with section 9(b) of the  
11 Central Idaho Wilderness Act of 1980 (16  
12 U.S.C. 1281 note; Public Law 96–312); and

13 (B) would reduce the impact of the com-  
14 mercial recreation facilities or services on wil-  
15 derness or wild and scenic river resources and  
16 values; and

17 (2) authorizes the Secretary of Agriculture to  
18 consider including, as appropriate—

19 (A) hydroelectric generators and associated  
20 electrical transmission facilities;

21 (B) water pumps for fire suppression;

22 (C) transitions from propane to electrical  
23 lighting;

24 (D) solar energy systems;

25 (E) 6-volt or 12-volt battery banks for  
26 power storage; and

1 (F) other improvements or replacements  
 2 which are consistent with this section that the  
 3 Secretary of Agriculture determines appro-  
 4 priate.

5 **SEC. 6109. CERRO DEL YUTA AND RÍO SAN ANTONIO WIL-**  
 6 **DERNESS AREAS.**

7 (a) DEFINITIONS.—In this section:

8 (1) MAP.—The term “map” means the map en-  
 9 titled “Río Grande del Norte National Monument  
 10 Proposed Wilderness Areas” and dated July 28,  
 11 2015.

12 (2) WILDERNESS AREA.—The term “wilderness  
 13 area” means a wilderness area designated by sub-  
 14 section (b)(1).

15 (b) DESIGNATION OF CERRO DEL YUTA AND RÍO  
 16 SAN ANTONIO WILDERNESS AREAS.—

17 (1) IN GENERAL.—In accordance with the Wil-  
 18 derness Act (16 U.S.C. 1131 et seq.), the following  
 19 areas in the Río Grande del Norte National Monu-  
 20 ment are designated as wilderness and as compo-  
 21 nents of the National Wilderness Preservation Sys-  
 22 tem:

23 (A) CERRO DEL YUTA WILDERNESS.—Cer-  
 24 tain land administered by the Bureau of Land  
 25 Management in Taos County, New Mexico,



1 comprising approximately 13,420 acres as gen-  
2 erally depicted on the map, which shall be  
3 known as the “Cerro del Yuta Wilderness”.

4 (B) RÍO SAN ANTONIO WILDERNESS.—Cer-  
5 tain land administered by the Bureau of Land  
6 Management in Río Arriba County, New Mex-  
7 ico, comprising approximately 8,120 acres, as  
8 generally depicted on the map, which shall be  
9 known as the “Río San Antonio Wilderness”.

10 (2) MANAGEMENT OF WILDERNESS AREAS.—  
11 Subject to valid existing rights, the wilderness areas  
12 shall be administered in accordance with the Wilder-  
13 ness Act (16 U.S.C. 1131 et seq.) and this section,  
14 except that with respect to the wilderness areas des-  
15 ignated by this subsection—

16 (A) any reference to the effective date of  
17 the Wilderness Act shall be considered to be a  
18 reference to the date of enactment of this Act;  
19 and

20 (B) any reference in the Wilderness Act to  
21 the Secretary of Agriculture shall be considered  
22 to be a reference to the Secretary.

23 (3) INCORPORATION OF ACQUIRED LAND AND  
24 INTERESTS IN LAND.—Any land or interest in land

1 within the boundary of the wilderness areas that is  
 2 acquired by the United States shall—

3 (A) become part of the wilderness area in  
 4 which the land is located; and

5 (B) be managed in accordance with—

6 (i) the Wilderness Act (16 U.S.C.  
 7 1131 et seq.);

8 (ii) this section; and

9 (iii) any other applicable laws.

10 (4) GRAZING.—Grazing of livestock in the wil-  
 11 derness areas, where established before the date of  
 12 enactment of this Act, shall be administered in ac-  
 13 cordance with—

14 (A) section 4(d)(4) of the Wilderness Act  
 15 (16 U.S.C. 1133(d)(4)); and

16 (B) the guidelines set forth in appendix A  
 17 of the Report of the Committee on Interior and  
 18 Insular Affairs to accompany H.R. 2570 of the  
 19 101st Congress (H. Rept. 101–405).

20 (5) BUFFER ZONES.—

21 (A) IN GENERAL.—Nothing in this section  
 22 creates a protective perimeter or buffer zone  
 23 around the wilderness areas.

24 (B) ACTIVITIES OUTSIDE WILDERNESS  
 25 AREAS.—The fact that an activity or use on

1 land outside a wilderness area can be seen or  
2 heard within the wilderness area shall not pre-  
3 clude the activity or use outside the boundary  
4 of the wilderness area.

5 (6) RELEASE OF WILDERNESS STUDY AREAS.—  
6 Congress finds that, for purposes of section 603(c)  
7 of the Federal Land Policy and Management Act of  
8 1976 (43 U.S.C. 1782(c)), the public land within the  
9 San Antonio Wilderness Study Area not designated  
10 as wilderness by this subsection—

11 (A) has been adequately studied for wilder-  
12 ness designation;

13 (B) is no longer subject to section 603(c)  
14 of the Federal Land Policy and Management  
15 Act of 1976 (43 U.S.C. 1782(c)); and

16 (C) shall be managed in accordance with  
17 this section.

18 (7) MAPS AND LEGAL DESCRIPTIONS.—

19 (A) IN GENERAL.—As soon as practicable  
20 after the date of enactment of this Act, the Sec-  
21 retary shall file the map and legal descriptions  
22 of the wilderness areas with—

23 (i) the Committee on Energy and  
24 Natural Resources of the Senate; and

1 (ii) the Committee on Natural Re-  
2 sources of the House of Representatives.

3 (B) FORCE OF LAW.—The map and legal  
4 descriptions filed under subparagraph (A) shall  
5 have the same force and effect as if included in  
6 this section, except that the Secretary may cor-  
7 rect errors in the legal description and map.

8 (C) PUBLIC AVAILABILITY.—The map and  
9 legal descriptions filed under subparagraph (A)  
10 shall be on file and available for public inspec-  
11 tion in the appropriate offices of the Bureau of  
12 Land Management.

13 (8) NATIONAL LANDSCAPE CONSERVATION SYS-  
14 TEM.—The wilderness areas shall be administered as  
15 components of the National Landscape Conservation  
16 System.

17 (9) FISH AND WILDLIFE.—Nothing in this sec-  
18 tion affects the jurisdiction of the State of New  
19 Mexico with respect to fish and wildlife located on  
20 public land in the State.

21 (10) WITHDRAWALS.—Subject to valid existing  
22 rights, any Federal land within the wilderness areas  
23 designated by paragraph (1), including any land or  
24 interest in land that is acquired by the United

1 States after the date of enactment of this Act, is  
 2 withdrawn from—

3 (A) entry, appropriation, or disposal under  
 4 the public land laws;

5 (B) location, entry, and patent under the  
 6 mining laws; and

7 (C) operation of the mineral leasing, min-  
 8 eral materials, and geothermal leasing laws.

9 (11) TREATY RIGHTS.—Nothing in this section  
 10 enlarges, diminishes, or otherwise modifies any trea-  
 11 ty rights.

12 **SEC. 6110. ADDITIONS TO CHEROKEE NATIONAL FOREST**  
 13 **WILDERNESS AREAS.**

14 (a) DEFINITIONS.—In this section:

15 (1) MAP.—The term “Map” means the map en-  
 16 titled “Proposed Wilderness Areas and Additions-  
 17 Cherokee National Forest” and dated January 20,  
 18 2010.

19 (2) SECRETARY.—The term “Secretary” means  
 20 the Secretary of Agriculture.

21 (3) STATE.—The term “State” means the State  
 22 of Tennessee.

23 (b) DESIGNATION OF WILDERNESS.—In accordance  
 24 with the Wilderness Act (16 U.S.C. 1131 et seq.), the fol-  
 25 lowing parcels of Federal land in the Cherokee National

1 Forest in the State of Tennessee are designated as wilder-  
2 ness and as additions to the National Wilderness Preser-  
3 vation System:

4 (1) Certain land comprising approximately  
5 9,038 acres, as generally depicted as the “Upper  
6 Bald River Wilderness” on the Map and which shall  
7 be known as the “Upper Bald River Wilderness”.

8 (2) Certain land comprising approximately 348  
9 acres, as generally depicted as the “Big Frog Addi-  
10 tion” on the Map and which shall be incorporated  
11 in, and shall be considered to be a part of, the Big  
12 Frog Wilderness.

13 (3) Certain land comprising approximately 630  
14 acres, as generally depicted as the “Little Frog  
15 Mountain Addition NW” on the Map and which  
16 shall be incorporated in, and shall be considered to  
17 be a part of, the Little Frog Mountain Wilderness.

18 (4) Certain land comprising approximately 336  
19 acres, as generally depicted as the “Little Frog  
20 Mountain Addition NE” on the Map and which shall  
21 be incorporated in, and shall be considered to be a  
22 part of, the Little Frog Mountain Wilderness.

23 (5) Certain land comprising approximately  
24 2,922 acres, as generally depicted as the “Sampson  
25 Mountain Addition” on the Map and which shall be

1 incorporated in, and shall be considered to be a part  
2 of, the Sampson Mountain Wilderness.

3 (6) Certain land comprising approximately  
4 4,446 acres, as generally depicted as the “Big Lau-  
5 rel Branch Addition” on the Map and which shall be  
6 incorporated in, and shall be considered to be a part  
7 of, the Big Laurel Branch Wilderness.

8 (7) Certain land comprising approximately  
9 1,836 acres, as generally depicted as the “Joyce Kil-  
10 mer-Slickrock Addition” on the Map and which shall  
11 be incorporated in, and shall be considered to be a  
12 part of, the Joyce Kilmer-Slickrock Wilderness.

13 (c) MAPS AND LEGAL DESCRIPTIONS.—

14 (1) IN GENERAL.—As soon as practicable after  
15 the date of the enactment of this Act, the Secretary  
16 shall file maps and legal descriptions of the wilder-  
17 ness areas designated by subsection (b) with the ap-  
18 propriate committees of Congress.

19 (2) PUBLIC AVAILABILITY.—The maps and  
20 legal descriptions filed under paragraph (1) shall be  
21 on file and available for public inspection in the of-  
22 fice of the Chief of the Forest Service and the office  
23 of the Supervisor of the Cherokee National Forest.

24 (3) FORCE OF LAW.—The maps and legal de-  
25 scriptions filed under paragraph (1) shall have the

1 same force and effect as if included in this section,  
2 except that the Secretary may correct typographical  
3 errors in the maps and descriptions.

4 (d) ADMINISTRATION.—

5 (1) IN GENERAL.—Subject to valid existing  
6 rights, the Federal land designated as wilderness by  
7 subsection (b) shall be administered by the Secretary  
8 in accordance with the Wilderness Act (16 U.S.C.  
9 1131 et seq.), except that any reference in that Act  
10 to the effective date of that Act shall be deemed to  
11 be a reference to the date of the enactment of this  
12 Act.

13 (2) FISH AND WILDLIFE MANAGEMENT.—In ac-  
14 cordance with section 4(d)(7) of the Wilderness Act  
15 (16 U.S.C. 1133(d)(7)), nothing in this section af-  
16 fects the jurisdiction of the State with respect to fish  
17 and wildlife management (including the regulation of  
18 hunting, fishing, and trapping) in the wilderness  
19 areas designated by subsection (b).



1 **TITLE VII—NATIONAL PARK SYS-**  
2 **TEM MANAGEMENT, STUDIES,**  
3 **AND RELATED MATTERS**  
4 **Subtitle A—Special Resource**  
5 **Studies**

6 **SEC. 7001. SPECIAL RESOURCE STUDY OF JAMES K. POLK**  
7 **PRESIDENTIAL HOME.**

8 (a) DEFINITION OF STUDY AREA.—In this section,  
9 the term “study area” means the President James K. Polk  
10 Home in Columbia, Tennessee, and adjacent property.

11 (b) SPECIAL RESOURCE STUDY.—

12 (1) STUDY.—The Secretary shall conduct a spe-  
13 cial resource study of the study area.

14 (2) CONTENTS.—In conducting the study under  
15 paragraph (1), the Secretary shall—

16 (A) evaluate the national significance of  
17 the study area;

18 (B) determine the suitability and feasibility  
19 of designating the study area as a unit of the  
20 National Park System;

21 (C) consider other alternatives for preser-  
22 vation, protection, and interpretation of the  
23 study area by the Federal Government, State or  
24 local government entities, or private and non-  
25 profit organizations;

1 (D) consult with interested Federal agen-  
2 cies, State or local governmental entities, pri-  
3 vate and nonprofit organizations, or any other  
4 interested individuals; and

5 (E) identify cost estimates for any Federal  
6 acquisition, development, interpretation, oper-  
7 ation, and maintenance associated with the al-  
8 ternatives.

9 (3) APPLICABLE LAW.—The study required  
10 under paragraph (1) shall be conducted in accord-  
11 ance with section 100507 of title 54, United States  
12 Code.

13 (4) REPORT.—Not later than 3 years after the  
14 date on which funds are first made available for the  
15 study under paragraph (1), the Secretary shall sub-  
16 mit to the Committee on Natural Resources of the  
17 House of Representatives and the Committee on En-  
18 ergy and Natural Resources of the Senate a report  
19 that describes—

20 (A) the results of the study; and

21 (B) any conclusions and recommendations  
22 of the Secretary.

1 **SEC. 7002. SPECIAL RESOURCE STUDY OF FORT ONTARIO.**

2 (a) DEFINITION OF STUDY AREA.—In this section,  
3 the term “study area” means Fort Ontario in Oswego,  
4 New York.

5 (b) SPECIAL RESOURCE STUDY.—

6 (1) STUDY.—The Secretary shall conduct a spe-  
7 cial resource study of the study area.

8 (2) CONTENTS.—In conducting the study under  
9 paragraph (1), the Secretary shall—

10 (A) evaluate the national significance of  
11 the study area;

12 (B) determine the suitability and feasibility  
13 of designating the study area as a unit of the  
14 National Park System;

15 (C) consider other alternatives for preser-  
16 vation, protection, and interpretation of the  
17 study area by the Federal Government, State or  
18 local government entities, or private and non-  
19 profit organizations;

20 (D) consult with interested Federal agen-  
21 cies, State or local governmental entities, pri-  
22 vate and nonprofit organizations, or any other  
23 interested individuals; and

24 (E) identify cost estimates for any Federal  
25 acquisition, development, interpretation, oper-

1           ation, and maintenance associated with the al-  
2           ternatives.

3           (3) APPLICABLE LAW.—The study required  
4           under paragraph (1) shall be conducted in accord-  
5           ance with section 100507 of title 54, United States  
6           Code.

7           (4) REPORT.—Not later than 3 years after the  
8           date on which funds are first made available to carry  
9           out the study under paragraph (1), the Secretary  
10          shall submit to the Committee on Natural Resources  
11          of the House of Representatives and the Committee  
12          on Energy and Natural Resources of the Senate a  
13          report that describes—

14                   (A) the results of the study; and

15                   (B) any conclusions and recommendations  
16          of the Secretary.

17       **Subtitle B—National Park Service**  
18       **Management and Related Matters**

19       **SEC. 7101. OCMULGEE MOUNDS NATIONAL HISTORICAL**  
20                   **PARK BOUNDARY REVISION.**

21       (a) DEFINITIONS.—In this section:

22           (1) HISTORICAL PARK.—The term “Historical  
23       Park” means the Ocmulgee Mounds National His-  
24       torical Park in the State of Georgia, as redesignated  
25       in subsection (b).

1           (2) MAP.—The term “map” means the map en-  
2           titled “Ocmulgee National Monument Proposed  
3           Boundary Adjustment, numbered 363/125996”, and  
4           dated January 2016.

5           (b) OCMULGEE MOUNDS NATIONAL HISTORICAL  
6           PARK.—

7           (1) REDESIGNATION.—Ocmulgee National  
8           Monument, established pursuant to the Act of June  
9           14, 1934 (48 Stat. 958), shall be known and des-  
10          ignated as “Ocmulgee Mounds National Historical  
11          Park”.

12          (2) REFERENCES.—Any reference in a law,  
13          map, regulation, document, paper, or other record of  
14          the United States to “Ocmulgee National Monu-  
15          ment”, other than in this section, shall be deemed  
16          to be a reference to “Ocmulgee Mounds National  
17          Historical Park”.

18          (c) BOUNDARY ADJUSTMENT.—

19          (1) IN GENERAL.—The boundary of the Histor-  
20          ical Park is revised to include approximately 2,100  
21          acres, as generally depicted on the map.

22          (2) AVAILABILITY OF MAP.—The map shall be  
23          on file and available for public inspection in the ap-  
24          propriate offices of the National Park Service.

25          (d) LAND ACQUISITION.—

1           (1) IN GENERAL.—The Secretary may acquire  
2           land and interests in land within the boundaries of  
3           the Historical Park by donation, purchase from a  
4           willing seller with donated or appropriated funds, or  
5           exchange.

6           (2) LIMITATION.—The Secretary may not ac-  
7           quire by condemnation any land or interest in land  
8           within the boundaries of the Historical Park.

9           (e) ADMINISTRATION.—The Secretary shall admin-  
10          ister any land acquired under subsection (d) as part of  
11          the Historical Park in accordance with applicable laws and  
12          regulations.

13          (f) OCMULGEE RIVER CORRIDOR SPECIAL RESOURCE  
14          STUDY.—

15               (1) IN GENERAL.—The Secretary shall conduct  
16               a special resource study of the Ocmulgee River cor-  
17               ridor between the cities of Macon, Georgia, and  
18               Hawkinsville, Georgia, to determine—

19                     (A) the national significance of the study  
20                     area;

21                     (B) the suitability and feasibility of adding  
22                     lands in the study area to the National Park  
23                     System; and

24                     (C) the methods and means for the protec-  
25                     tion and interpretation of the study area by the

1 National Park Service, other Federal, State,  
 2 local government entities, affiliated federally  
 3 recognized Indian tribes, or private or nonprofit  
 4 organizations.

5 (2) CRITERIA.—The Secretary shall conduct the  
 6 study authorized by this section in accordance with  
 7 section 100507 of title 54, United States Code.

8 (3) RESULTS OF STUDY.—Not later than 3  
 9 years after the date on which funds are made avail-  
 10 able to carry out this subsection, the Secretary shall  
 11 submit to the Committee on Natural Resources of  
 12 the House of Representatives and the Committee on  
 13 Energy and Natural Resources of the Senate—

14 (A) the results of the study; and

15 (B) any findings, conclusions, and rec-  
 16 ommendations of the Secretary.

17 **SEC. 7102. JOHN MUIR NATIONAL HISTORIC SITE LAND AC-**  
 18 **QUISITION.**

19 (a) ACQUISITION.—The Secretary may acquire by do-  
 20 nation the approximately 44 acres of land, and interests  
 21 in such land, that are identified on the map entitled “John  
 22 Muir National Historic Site Proposed Boundary Expans-  
 23 sion”, numbered 426/127150, and dated November, 2014.

24 (b) BOUNDARY.—Upon the acquisition of the land  
 25 authorized by subsection (a), the Secretary shall adjust

1 the boundaries of the John Muir Historic Site in Martinez,  
 2 California, to include the land identified on the map re-  
 3 ferred to in subsection (a).

4 (c) ADMINISTRATION.—The land and interests in  
 5 land acquired under subsection (a) shall be administered  
 6 as part of the John Muir National Historic Site estab-  
 7 lished by Public Law 88–547 (78 Stat. 753).

8 **SEC. 7103. AMENDMENT TO COLTSVILLE NATIONAL HIS-**  
 9 **TORICAL PARK DONATION SITE.**

10 Section 3032(b)(2)(B) of Public Law 113–291 (16  
 11 U.S.C. 410qqq(b)(2)(B)) is amended by striking “East  
 12 Armory” and inserting “Colt Armory Complex”.

13 **SEC. 7104. KENNESAW MOUNTAIN NATIONAL BATTLEFIELD**  
 14 **PARK BOUNDARY ADJUSTMENT; LAND AC-**  
 15 **QUISITION; ADMINISTRATION.**

16 (a) BOUNDARY ADJUSTMENT.—The boundary of the  
 17 Kennesaw Mountain National Battlefield Park is modified  
 18 to include the approximately 8 acres identified as “Wallis  
 19 House and Harriston Hill”, and generally depicted on the  
 20 map titled “Kennesaw Mountain National Battlefield  
 21 Park, Proposed Boundary Adjustment”, numbered 325/  
 22 80,020, and dated February 2010.

23 (b) MAP.—The map referred to in subsection (a)  
 24 shall be on file and available for inspection in the appro-  
 25 priate offices of the National Park Service.



1 (c) LAND ACQUISITION.—The Secretary may acquire  
2 land or interests in land described in subsection (a) by  
3 donation, purchase from willing sellers, or exchange.

4 (d) ADMINISTRATION OF ACQUIRED LAND.—The  
5 Secretary shall administer land and interests in land ac-  
6 quired under this section as part of the Kennesaw Moun-  
7 tain National Battlefield Park in accordance with applica-  
8 ble laws and regulations.

9 **SEC. 7105. DESIGNATION OF EXISTING WILDERNESS AREA**  
10 **IN LAKE CLARK NATIONAL PARK AS THE JAY**  
11 **S. HAMMOND WILDERNESS.**

12 (a) DESIGNATION.—The approximately 2,600,000  
13 acres of National Wilderness Preservation System land lo-  
14 cated within the Lake Clark National Park and Preserve  
15 designated by section 701(6) of the Alaska National Inter-  
16 est Lands Conservation Act (16 U.S.C. 1132 note; Public  
17 Law 96–487) shall be known and designated as the “Jay  
18 S. Hammond Wilderness”.

19 (b) REFERENCES.—Any reference in a law, map, reg-  
20 ulation, document, paper, or other record of the United  
21 States to the wilderness area referred to in subsection (a)  
22 shall be deemed to be a reference to the “Jay S. Ham-  
23 mond Wilderness”.

1 **SEC. 7106. SKY POINT MOUNTAIN DESIGNATION.**

2 (a) DESIGNATION.—The mountain in the John Muir  
3 Wilderness of the Sierra National Forest in California, lo-  
4 cated at 37°15′16.10091″N 118°43′39.54102″W, shall be  
5 known and designated as “Sky Point”.

6 (b) REFERENCE.—Any reference in a law, map, regu-  
7 lation, document, record, or other paper of the United  
8 States to the mountain described in subsection (a) shall  
9 be considered to be a reference to “Sky Point”.

10 **SEC. 7107. ELIGIBILITY OF HISPANIC-SERVING INSTITU-**  
11 **TIONS AND ASIAN AMERICAN AND NATIVE**  
12 **AMERICAN PACIFIC ISLANDER-SERVING IN-**  
13 **STITUTIONS FOR ASSISTANCE FOR PRESER-**  
14 **VATION EDUCATION AND TRAINING PRO-**  
15 **GRAMS.**

16 Section 303903(3) of title 54, United States Code,  
17 is amended by inserting “to Hispanic-serving institutions  
18 (as defined in section 502(a) of the Higher Education Act  
19 of 1965 (20 U.S.C. 1101a(a))) and Asian American and  
20 Native American Pacific Islander-serving institutions (as  
21 defined in section 320(b) of the Higher Education Act of  
22 1965 (20 U.S.C. 1059g(b))),” after “universities,”.

23 **SEC. 7108. MARTIN LUTHER KING, JR. NATIONAL HISTOR-**  
24 **ICAL PARK.**

25 (a) AMENDMENT.—Public Law 96–428 (54 U.S.C.  
26 320101 note; 94 Stat. 1839) is amended—

1           (1) in subsection (a) of the first section, by  
2       striking “the map entitled ‘Martin Luther King,  
3       Junior, National Historic Site Boundary Map’, num-  
4       ber 489/80,013B, and dated September 1992” and  
5       inserting “the map entitled ‘Martin Luther King, Jr.  
6       National Historical Park Proposed Boundary Revi-  
7       sion’, numbered 489/128,786 and dated June  
8       2015”;

9           (2) by striking “Martin Luther King, Junior,  
10      National Historic Site” each place it appears and in-  
11      serting “Martin Luther King, Jr. National Histor-  
12      ical Park”;

13          (3) by striking “national historic site” each  
14      place it appears and inserting “national historical  
15      park”;

16          (4) by striking “historic site” each place it ap-  
17      pears and inserting “historical park”; and

18          (5) by striking “historic sites” in section 2(a)  
19      and inserting “historical parks”.

20      (b) REFERENCES.—Any reference in a law (other  
21      than this section), map, regulation, document, paper, or  
22      other record of the United States to “Martin Luther King,  
23      Junior, National Historic Site” shall be deemed to be a  
24      reference to “Martin Luther King, Jr. National Historical  
25      Park”.

1 **SEC. 7109. VEHICULAR ACCESS AND FEES AT DELAWARE**  
2 **WATER GAP NATIONAL RECREATION AREA.**

3 (a) IN GENERAL.—Section 4 of the Delaware Water  
4 Gap National Recreation Area Improvement Act (Public  
5 Law 109–156; 119 Stat. 2948) is amended to read as fol-  
6 lows:

7 **“SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION**  
8 **AREA.**

9 “(a) IN GENERAL.—Except as otherwise provided in  
10 this section, Highway 209, a federally owned road within  
11 the boundaries of the Recreation Area, shall be closed to  
12 all commercial vehicles.

13 “(b) EXCEPTION FOR LOCAL BUSINESS USE.—Until  
14 September 30, 2021, subsection (a) shall not apply with  
15 respect to the use of commercial vehicles that have four  
16 or fewer axles and are—

17 “(1) owned and operated by a business phys-  
18 ically located in—

19 “(A) the Recreation Area; or

20 “(B) one or more adjacent municipalities;

21 or

22 “(2) necessary to provide services to businesses  
23 or persons located in—

24 “(A) the Recreation Area; or

25 “(B) one of more adjacent municipalities.

1       “(c) FEE.—The Secretary shall establish a fee and  
 2 permit program for the use by commercial vehicles of  
 3 Highway 209 under subsection (b). The program shall in-  
 4 clude an annual fee not to exceed \$200 per vehicle. All  
 5 fees received under the program shall be set aside in a  
 6 special account and be available, without further appro-  
 7 priation, to the Secretary for the administration and en-  
 8 forcement of the program, including registering vehicles,  
 9 issuing permits and vehicle identification stickers, and  
 10 personnel costs.

11       “(d) EXCEPTIONS.—The following vehicles may use  
 12 Highway 209 and shall not be subject to a fee or permit  
 13 requirement under subsection (c):

14               “(1) Local school buses.

15               “(2) Fire, ambulance, and other safety and  
 16 emergency vehicles.

17               “(3) Commercial vehicles using Federal Road  
 18 Route 209, from—

19                       “(A) Milford to the Delaware River Bridge  
 20 leading to U.S. Route 206 in New Jersey; and

21                       “(B) mile 0 of Federal Road Route 209 to  
 22 Pennsylvania State Route 2001.”.

23       (b) DEFINITIONS.—Section 2 of the Delaware Water  
 24 Gap National Recreation Area Improvement Act (Public  
 25 Law 109–156; 119 Stat. 2946) is amended—

1           (1) by redesignating paragraphs (1) through  
 2           (5) as paragraphs (2) through (6), respectively; and  
 3           (2) by inserting before paragraph (2) (as so re-  
 4           designated by paragraph (1)) the following:

5           “(1) ADJACENT MUNICIPALITIES.—The term  
 6           ‘adjacent municipalities’ means Delaware Township,  
 7           Dingman Township, Lehman Township, Matamoras  
 8           Borough, Middle Smithfield Township, Milford Bor-  
 9           rough, Milford Township, Smithfield Township and  
 10          Westfall Township, in Pennsylvania.”.

11          (c) CONFORMING AMENDMENT.—Section 702 of divi-  
 12          sion I of the Omnibus Parks and Public Lands Manage-  
 13          ment Act of 1996 (Public Law 104–333; 110 Stat. 4185)  
 14          is repealed.

15      **SEC. 7110. DENALI NATIONAL PARK AND PRESERVE NAT-**  
 16                                      **URAL GAS PIPELINE.**

17          (a) PERMIT.—Section 3(b)(1) of the Denali National  
 18          Park Improvement Act (Public Law 113–33; 127 Stat.  
 19          516) is amended by striking “within, along, or near the  
 20          approximately 7-mile segment of the George Parks High-  
 21          way that runs through the Park”.

22          (b) TERMS AND CONDITIONS.—Section 3(c)(1) of the  
 23          Denali National Park Improvement Act (Public Law 113–  
 24          33; 127 Stat. 516) is amended—

1           (1) in subparagraph (A), by inserting “and”  
 2       after the semicolon;

3           (2) by striking subparagraph (B); and

4           (3) by redesignating subparagraph (C) as sub-  
 5       paragraph (B).

6       (c) APPLICABLE LAW.—Section 3 of the Denali Na-  
 7       tional Park Improvement Act (Public Law 113–33; 127  
 8       Stat. 515) is amended by adding at the end the following:  
 9       “(d) APPLICABLE LAW.—A high pressure gas trans-  
 10      mission pipeline (including appurtenances) in a nonwilder-  
 11      ness area within the boundary of the Park, shall not be  
 12      subject to title XI of the Alaska National Interest Lands  
 13      Conservation Act (16 U.S.C. 3161 et seq.).”.

14   **SEC. 7111. WILD HORSES IN AND AROUND THE CURRITUCK**  
 15                   **NATIONAL WILDLIFE REFUGE.**

16       (a) GENETIC DIVERSITY.—The Secretary, in con-  
 17      sultation with the North Carolina Department of Environ-  
 18      ment and Natural Resources, Currituck County, North  
 19      Carolina, and the Corolla Wild Horse Fund, shall allow  
 20      for the introduction of a small number of free-roaming  
 21      wild horses from the Cape Lookout National Seashore as  
 22      necessary to ensure the genetic diversity and viability of  
 23      the wild horse population currently found in and around  
 24      the Currituck National Wildlife Refuge, consistent with—

1           (1) the laws (including regulations) applicable  
 2           to the Currituck National Wildlife Refuge and the  
 3           Cape Lookout National Seashore; and

4           (2) the December 2014 Wild Horse Manage-  
 5           ment Agreement approved by the United States Fish  
 6           and Wildlife Service, the North Carolina Depart-  
 7           ment of Environment and Natural Resources,  
 8           Currituck County, North Carolina, and the Corolla  
 9           Wild Horse Fund.

10          (b) AGREEMENT.—

11           (1) IN GENERAL.—The Secretary may enter  
 12           into an agreement with the Corolla Wild Horse  
 13           Fund to provide for the cost-effective management  
 14           of the horses in and around the Currituck National  
 15           Wildlife Refuge while ensuring that natural re-  
 16           sources within the Currituck National Wildlife Ref-  
 17           uge are not adversely impacted.

18           (2) REQUIREMENTS.—The agreement entered  
 19           into under paragraph (1) shall specify that the Co-  
 20           rolla Wild Horse Fund shall pay the costs associated  
 21           with—

22                   (A) coordinating and conducting a periodic  
 23                   census, and inspecting the health, of the horses;

24                   (B) maintaining records of the horses liv-  
 25                   ing in the wild and in confinement;



1 (C) coordinating and conducting the re-  
 2 moval and placement of horses and monitoring  
 3 of any horses removed from the Currituck  
 4 County Outer Banks; and

5 (D) administering a viable population con-  
 6 trol plan for the horses, including auctions,  
 7 adoptions, contraceptive fertility methods, and  
 8 other viable options.

9 **SEC. 7112. LOWER FARMINGTON AND SALMON BROOK REC-**  
 10 **REATIONAL RIVERS.**

11 (a) DESIGNATION.—Section 3(a) of the Wild and  
 12 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-  
 13 ing at the end the following new paragraph:

14 “(213) LOWER FARMINGTON RIVER AND SALM-  
 15 ON BROOK, CONNECTICUT.—Segments of the main  
 16 stem and its tributary, Salmon Brook, totaling ap-  
 17 proximately 62 miles, to be administered by the Sec-  
 18 retary of the Interior as follows:

19 “(A) The approximately 27.2-mile segment  
 20 of the Farmington River beginning 0.2 miles  
 21 below the tailrace of the Lower Collinsville Dam  
 22 and extending to the site of the Spoonville Dam  
 23 in Bloomfield and East Granby as a rec-  
 24 reational river.

1           “(B) The approximately 8.1-mile segment  
2 of the Farmington River extending from 0.5  
3 miles below the Rainbow Dam to the confluence  
4 with the Connecticut River in Windsor as a rec-  
5 reational river.

6           “(C) The approximately 2.4-mile segment  
7 of the main stem of Salmon Brook extending  
8 from the confluence of the East and West  
9 Branches to the confluence with the Farm-  
10 ington River as a recreational river.

11           “(D) The approximately 12.6-mile segment  
12 of the West Branch of Salmon Brook extending  
13 from its headwaters in Hartland, Connecticut  
14 to its confluence with the East Branch of Salm-  
15 on Brook as a recreational river.

16           “(E) The approximately 11.4-mile segment  
17 of the East Branch of Salmon Brook extending  
18 from the Massachusetts-Connecticut State line  
19 to the confluence with the West Branch of  
20 Salmon Brook as a recreational river.”.

21       (b) MANAGEMENT.—

22           (1) IN GENERAL.—The river segments des-  
23 igned by subsection (a) shall be managed in ac-  
24 cordance with the management plan and such  
25 amendments to the management plan as the Sec-

retary determines are consistent with this section.  
 The management plan shall be deemed to satisfy the  
 requirements for a comprehensive management plan  
 pursuant to section 3(d) of the Wild and Scenic Riv-  
 ers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordi-  
 nate the management responsibilities of the Sec-  
 retary under this section with the Lower Farm-  
 ington River and Salmon Brook Wild and Scenic  
 Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for  
 the long-term protection, preservation, and en-  
 hancement of the river segment designated by  
 subsection (a), the Secretary may enter into co-  
 operative agreements pursuant to sections 10(e)  
 and 11(b)(1) of the Wild and Scenic Rivers Act  
 (16 U.S.C. 1281(e), 1282(b)(1))with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield,  
 Burlington, East Granby, Farmington,  
 Granby, Hartland, Simsbury, and Windsor  
 in Connecticut; and

(iii) appropriate local planning and  
 environmental organizations.

1 (B) CONSISTENCY.—All cooperative agree-  
2 ments provided for under this section shall be  
3 consistent with the management plan and may  
4 include provisions for financial or other assist-  
5 ance from the United States.

6 (4) LAND MANAGEMENT.—

7 (A) ZONING ORDINANCES.—For the pur-  
8 poses of the segments designated in subsection  
9 (a), the zoning ordinances adopted by the towns  
10 in Avon, Bloomfield, Burlington, East Granby,  
11 Farmington, Granby, Hartland, Simsbury, and  
12 Windsor in Connecticut, including provisions for  
13 conservation of floodplains, wetlands and water-  
14 courses associated with the segments, shall be  
15 deemed to satisfy the standards and require-  
16 ments of section 6(c) of the Wild and Scenic  
17 Rivers Act (16 U.S.C. 1277(c)).

18 (B) ACQUISITION OF LAND.—The provi-  
19 sions of section 6(c) of the Wild and Scenic  
20 Rivers Act (16 U.S.C. 1277(c)) that prohibit  
21 Federal acquisition of lands by condemnation  
22 shall apply to the segments designated in sub-  
23 section (a). The authority of the Secretary to  
24 acquire lands for the purposes of the segments  
25 designated in subsection (a) shall be limited to

1 acquisition by donation or acquisition with the  
2 consent of the owner of the lands, and shall be  
3 subject to the additional criteria set forth in the  
4 management plan.

5 (5) RAINBOW DAM.—The designation made by  
6 subsection (a) shall not be construed to—

7 (A) prohibit, pre-empt, or abridge the po-  
8 tential future licensing of the Rainbow Dam  
9 and Reservoir (including any and all aspects of  
10 its facilities, operations and transmission lines)  
11 by the Federal Energy Regulatory Commission  
12 as a federally licensed hydroelectric generation  
13 project under the Federal Power Act, provided  
14 that the Commission may, in the discretion of  
15 the Commission and consistent with this sec-  
16 tion, establish such reasonable terms and condi-  
17 tions in a hydropower license for Rainbow Dam  
18 as are necessary to reduce impacts identified by  
19 the Secretary as invading or unreasonably di-  
20 minishing the scenic, recreational, and fish and  
21 wildlife values of the segments designated by  
22 subsection (a); or

23 (B) affect the operation of, or impose any  
24 flow or release requirements on, the unlicensed

1 hydroelectric facility at Rainbow Dam and Res-  
2 ervoir.

3 (6) RELATION TO NATIONAL PARK SYSTEM.—

4 Notwithstanding section 10(c) of the Wild and Sce-  
5 nic Rivers Act (16 U.S.C. 1281(c)), the Lower  
6 Farmington River shall not be administered as part  
7 of the National Park System or be subject to regula-  
8 tions which govern the National Park System.

9 (c) FARMINGTON RIVER, CONNECTICUT, DESIGNA-  
10 TION REVISION.—Section 3(a)(156) of the Wild and Sce-  
11 nic Rivers Act (16 U.S.C. 1274(a)(156)) is amended in  
12 the first sentence—

13 (1) by striking “14-mile” and inserting “15.1-  
14 mile”; and

15 (2) by striking “to the downstream end of the  
16 New Hartford-Canton, Connecticut town line” and  
17 inserting “to the confluence with the Nepaug River”.

18 (d) DEFINITION OF MANAGEMENT PLAN.—In this  
19 section, the term “management plan” means the manage-  
20 ment plan prepared by the Salmon Brook Wild and Scenic  
21 Study Committee entitled the “Lower Farmington River  
22 and Salmon Brook Management Plan” and dated June  
23 2011.

1 **SEC. 7113. EAST ROSEBUD WILD AND SCENIC RIVERS DES-**  
2 **IGNATION.**

3 (a) PURPOSE.—The purpose of this section is to des-  
4 ignate East Rosebud Creek in the State of Montana as  
5 a component of the National Wild and Scenic Rivers Sys-  
6 tem to preserve and protect for present and future genera-  
7 tions the outstandingly remarkable scenic, recreational,  
8 and geologic values of the Creek.

9 (b) DESIGNATION OF WILD AND SCENIC RIVER SEG-  
10 MENTS.—

11 (1) DESIGNATION.—Section 3(a) of the Wild  
12 and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
13 amended by section 7112(a)) is amended by adding  
14 at the end the following:

15 “(214) EAST ROSEBUD CREEK, MONTANA.—  
16 The portions of East Rosebud Creek in the State of  
17 Montana, consisting of—

18 “(A) the 13-mile segment exclusively on  
19 public land within the Custer National Forest  
20 from the source in the Absaroka-Beartooth Wil-  
21 derness downstream to the point at which the  
22 Creek enters East Rosebud Lake, including the  
23 stream reach between Twin Outlets Lake and  
24 Fossil Lake, to be administered by the Sec-  
25 retary of Agriculture as a wild river; and

1           “(B) the 7-mile segment exclusively on  
2 public land within the Custer National Forest  
3 from immediately below, but not including, the  
4 outlet of East Rosebud Lake downstream to the  
5 point at which the Creek enters private prop-  
6 erty for the first time, to be administered by  
7 the Secretary of Agriculture as a recreational  
8 river.”.

9           (2) ADJACENT MANAGEMENT.—

10           (A) IN GENERAL.—Nothing in paragraph  
11 (214) of section 3(a) of the Wild and Scenic  
12 Rivers Act (16 U.S.C. 1274(a)) (as added by  
13 paragraph (1)) creates a protective perimeter or  
14 buffer zone outside the designated boundary of  
15 the river segment designated by that para-  
16 graph.

17           (B) OUTSIDE ACTIVITIES.—The fact that  
18 an otherwise authorized activity or use can be  
19 seen or heard within the boundary of the river  
20 segment designated by paragraph (214) of sec-  
21 tion 3(a) of the Wild and Scenic Rivers Act (16  
22 U.S.C. 1274(a)) (as added by paragraph (1))  
23 shall not preclude the activity or use outside the  
24 boundary of the river segment.



1 **SEC. 7114. ARLINGTON RIDGE VISITOR SERVICES FACILITY.**

2       Notwithstanding subsection (g) of section 2863 of the  
3 National Defense Authorization Act for Fiscal Year 2002  
4 (Public Law 107–107; 115 Stat. 1332), the Secretary may  
5 construct a structure for visitor services to include a public  
6 restroom facility on the Arlington Ridge tract (as defined  
7 in that section) in the area of the United States Marine  
8 Corps War Memorial.

9 **SEC. 7115. ROCKINGHAM COUNTY, VIRGINIA, REMOVAL OF**  
10 **USE RESTRICTION.**

11       Public Law 101–479 (104 Stat. 1158) is amended—

12               (1) by striking section 2(d); and

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

14 **“SEC. 4. REMOVAL OF USE RESTRICTION.**

15       “(a) The approximately 1-acre portion of the land re-  
16 ferred to in section 3 that is used for purposes of a child  
17 care center, as authorized by this Act, shall not be subject  
18 to the use restriction imposed in the deed referred to in  
19 section 3.

20       “(b) Upon enactment of this section, the Secretary  
21 of the Interior shall execute an instrument to carry out  
22 subsection (a).”.

23 **SEC. 7116. INTERAGENCY TRANSFER OF LAND ALONG**  
24 **GEORGE WASHINGTON MEMORIAL PARKWAY.**

25       (a) DEFINITIONS.—In this section:

1           (1) MAP.—The term “Map” means the map en-  
 2           titled “George Washington Memorial Parkway—  
 3           Claude Moore Farm Proposed Boundary Adjust-  
 4           ment”, numbered 850\_\_130815, and dated Feb-  
 5           ruary 2016.

6           (2) RESEARCH CENTER.—The term “Research  
 7           Center” means the Turner-Fairbank Highway Re-  
 8           search Center of the Federal Highway Administra-  
 9           tion.

10       (b) ADMINISTRATIVE JURISDICTION TRANSFER.—

11           (1) TRANSFER OF JURISDICTION.—

12               (A) GEORGE WASHINGTON MEMORIAL  
 13           PARKWAY LAND.—Administrative jurisdiction  
 14           over the approximately 0.342 acres of Federal  
 15           land under the jurisdiction of the Secretary  
 16           within the boundary of the George Washington  
 17           Memorial Parkway, as generally depicted as  
 18           “B” on the Map, is transferred from the Sec-  
 19           retary to the Secretary of Transportation.

20               (B) RESEARCH CENTER LAND.—Adminis-  
 21           tration jurisdiction over the approximately  
 22           0.479 acres of Federal land within the bound-  
 23           ary of the Research Center land under the ju-  
 24           risdiction of the Secretary of Transportation  
 25           adjacent to the boundary of the George Wash-

1           ington Memorial Parkway, as generally depicted  
2           as “A” on the Map, is transferred from the  
3           Secretary of Transportation to the Secretary.

4           (2) USE RESTRICTION.—The Secretary shall re-  
5           strict the use of 0.139 acres of Federal land within  
6           the boundary of the George Washington Memorial  
7           Parkway immediately adjacent to part of the perim-  
8           eter fence of the Research Center, generally depicted  
9           as “C” on the Map, by prohibiting the storage, con-  
10          struction, or installation of any item that may inter-  
11          fere with the access of the Research Center to the  
12          restricted land for security and maintenance pur-  
13          poses.

14          (3) REIMBURSEMENT OR CONSIDERATION.—  
15          The transfers of administrative jurisdiction under  
16          this subsection shall not be subject to reimburse-  
17          ment or consideration.

18          (4) COMPLIANCE WITH AGREEMENT.—

19                (A) AGREEMENT.—The National Park  
20                Service and the Federal Highway Administra-  
21                tion shall comply with all terms and conditions  
22                of the agreement entered into by the parties on  
23                September 11, 2002, regarding the transfer of  
24                administrative jurisdiction, management, and

1 maintenance of the land described in the agree-  
2 ment.

3 (B) ACCESS TO RESTRICTED LAND.—

4 (i) IN GENERAL.—Subject to the  
5 terms of the agreement described in sub-  
6 paragraph (A), the Secretary shall allow  
7 the Research Center—

8 (I) to access the Federal land de-  
9 scribed in paragraph (1)(B) for pur-  
10 poses of transportation to and from  
11 the Research Center; and

12 (II) to access the Federal land  
13 described in paragraphs (1)(B) and  
14 (2) for purposes of maintenance in ac-  
15 cordance with National Park Service  
16 standards, including grass mowing,  
17 weed control, tree maintenance, fence  
18 maintenance, and maintenance of the  
19 visual appearance of the Federal land.

20 (c) MANAGEMENT OF TRANSFERRED LAND.—

21 (1) INTERIOR LAND.—The Federal land trans-  
22 ferred to the Secretary under subsection (b)(1)(B)  
23 shall be—

24 (A) included in the boundary of the George  
25 Washington Memorial Parkway; and

1 (B) administered by the Secretary as part  
 2 of the George Washington Memorial Parkway,  
 3 subject to applicable laws (including regula-  
 4 tions).

5 (2) TRANSPORTATION LAND.—The Federal  
 6 land transferred to the Secretary of Transportation  
 7 under subsection (b)(1)(A) shall be—

8 (A) included in the boundary of the Re-  
 9 search Center land; and

10 (B) removed from the boundary of the  
 11 George Washington Memorial Parkway.

12 (3) RESTRICTED-USE LAND.—The Federal land  
 13 that the Secretary has designated for restricted use  
 14 under subsection (b)(2) shall be maintained by the  
 15 Research Center.

16 (d) MAP ON FILE.—The Map shall be available for  
 17 public inspection in the appropriate offices of the National  
 18 Park Service.

19 **SEC. 7117. SHILOH NATIONAL MILITARY PARK BOUNDARY**  
 20 **MODIFICATION.**

21 (a) DEFINITIONS.—In this section:

22 (1) AFFILIATED AREA.—The term “affiliated  
 23 area” means the Parker’s Crossroads Battlefield es-  
 24 tablished as an affiliated area of the National Park  
 25 System by subsection (c)(1).

1           (2) PARK.—The term “Park” means Shiloh  
 2       National Military Park, a unit of the National Park  
 3       System.

4       (b) AREAS TO BE ADDED TO SHILOH NATIONAL  
 5       MILITARY PARK.—

6           (1) ADDITIONAL AREAS.—The boundary of the  
 7       Park is modified to include the areas that are gen-  
 8       erally depicted on the map entitled “Shiloh National  
 9       Military Park, Proposed Boundary Adjustment”,  
 10      numbered 304/80,011, and dated July 2014, and  
 11      which are comprised of the following:

12                   (A) Fallen Timbers Battlefield.

13                   (B) Russell House Battlefield.

14                   (C) Davis Bridge Battlefield.

15       (2) ACQUISITION AUTHORITY.—The Secretary  
 16      may acquire the land described in paragraph (1) by  
 17      donation, purchase from willing sellers with donated  
 18      or appropriated funds, or exchange.

19       (3) ADMINISTRATION.—Any land acquired  
 20      under this subsection shall be administered as part  
 21      of the Park.

22       (c) ESTABLISHMENT OF AFFILIATED AREA.—

23           (1) IN GENERAL.—Parker’s Crossroads Battle-  
 24      field in the State of Tennessee is established as an  
 25      affiliated area of the National Park System.

1           (2) DESCRIPTION OF AFFILIATED AREA.—The  
2       affiliated area shall consist of the area generally de-  
3       picted within the “Proposed Boundary” on the map  
4       entitled “Parker’s Crossroads Battlefield, Proposed  
5       Boundary”, numbered 903/80,073, and dated July  
6       2014.

7           (3) ADMINISTRATION.—The affiliated area shall  
8       be managed in accordance with—

9                 (A) this section; and

10                (B) any law generally applicable to units of  
11       the National Park System.

12           (4) MANAGEMENT ENTITY.—The City of Park-  
13       ers Crossroads and the Tennessee Historical Com-  
14       mission shall jointly be the management entity for  
15       the affiliated area.

16           (5) COOPERATIVE AGREEMENTS.—The Sec-  
17       retary may provide technical assistance and enter  
18       into cooperative agreements with the management  
19       entity for the purpose of providing financial assist-  
20       ance for the marketing, marking, interpretation, and  
21       preservation of the affiliated area.

22           (6) LIMITED ROLE OF THE SECRETARY.—Noth-  
23       ing in this section authorizes the Secretary to ac-  
24       quire property at the affiliated area or to assume

1 overall financial responsibility for the operation,  
 2 maintenance, or management of the affiliated area.

3 (7) GENERAL MANAGEMENT PLAN.—

4 (A) IN GENERAL.—The Secretary, in con-  
 5 sultation with the management entity, shall de-  
 6 velop a general management plan for the affili-  
 7 ated area in accordance with section 100502 of  
 8 title 54, United States Code.

9 (B) TRANSMITTAL.—Not later than 3  
 10 years after the date on which funds are made  
 11 available to carry out this section, the Secretary  
 12 shall submit to the Committee on Natural Re-  
 13 sources of the House of Representatives and the  
 14 Committee on Energy and Natural Resources of  
 15 the Senate the general management plan devel-  
 16 oped under subparagraph (A).

17 **SEC. 7118. HISTORICALLY BLACK COLLEGES AND UNIVER-**  
 18 **SITIES HISTORIC PRESERVATION PROGRAM**  
 19 **REAUTHORIZED.**

20 Section 507(d)(2) of division I of the Omnibus Parks  
 21 and Public Lands Management Act of 1996 (54 U.S.C.  
 22 302101 note; Public Law 104–333) is amended by strik-  
 23 ing the period at the end and inserting “and each of fiscal  
 24 years 2018 through 2024.”.



1 **SEC. 7119. FORT FREDERICA NATIONAL MONUMENT**  
2 **BOUNDARY ADJUSTMENT.**

3 (a) **MAXIMUM ACREAGE.**—The first section of the  
4 Act of May 26, 1936 (16 U.S.C. 433g), is amended by  
5 striking “two hundred and fifty acres” and inserting “305  
6 acres”.

7 (b) **BOUNDARY EXPANSION.**—

8 (1) **IN GENERAL.**—The boundary of the Fort  
9 Frederica National Monument in the State of Geor-  
10 gia is modified to include the land generally depicted  
11 as “Proposed Acquisition Areas” on the map enti-  
12 tled “Fort Frederica National Monument Proposed  
13 Boundary Expansion”, numbered 369/132,469, and  
14 dated April 2016.

15 (2) **AVAILABILITY OF MAP.**—The map described  
16 in paragraph (1) shall be on file and available for  
17 public inspection in the appropriate offices of the  
18 National Park Service.

19 (3) **ACQUISITION OF LAND.**—The Secretary  
20 may acquire the land and interests in land described  
21 in paragraph (1) by donation or purchase with do-  
22 nated or appropriated funds from willing sellers  
23 only.

24 (4) **NO USE OF CONDEMNATION OR EMINENT**  
25 **DOMAIN.**—The Secretary may not acquire by con-  
26 demnation or eminent domain any land or interests

1 in land under this section or for the purposes of this  
2 section.

3 **SEC. 7120. REDESIGNATION OF ROBERT EMMET PARK.**

4 (a) REDESIGNATION.—The small triangular property  
5 designated by the National Park Service as reservation  
6 302, shall be known as “Robert Emmet Park”.

7 (b) REFERENCE.—Any reference in any law, regula-  
8 tion, document, record, map, paper, or other record of the  
9 United States to the property referred to in subsection (a)  
10 is deemed to be a reference to “Robert Emmet Park”.

11 (c) SIGNAGE.—The Secretary may post signs on or  
12 near Robert Emmet Park that include 1 or more of the  
13 following:

14 (1) Information on Robert Emmet, his con-  
15 tribution to Irish independence, and his respect for  
16 the United States and the American Revolution.

17 (2) Information on the history of the statue of  
18 Robert Emmet located in Robert Emmet Park.

19 **SEC. 7121. DESIGNATION OF THE NATIONAL MEMORIAL TO**  
20 **FALLEN EDUCATORS.**

21 (a) IN GENERAL.—The memorial to fallen educators  
22 located at the National Teachers Hall of Fame in Empo-  
23 ria, Kansas, is designated as the “National Memorial to  
24 Fallen Educators”.

1 (b) EFFECT OF DESIGNATION.—The national memo-  
2 rial designated by this section is not a unit of the National  
3 Park System and the designation of the National Memo-  
4 rial to Fallen Educators shall not require or permit Fed-  
5 eral funds to be expended for any purpose related to that  
6 national memorial.

7 **SEC. 7122. AFRICAN AMERICAN CIVIL RIGHTS NETWORK.**

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

9 (1) to recognize—

10 (A) the importance of the African Amer-  
11 ican civil rights movement; and

12 (B) the sacrifices made by the people who  
13 fought against discrimination and segregation;  
14 and

15 (2) to authorize the National Park Service to  
16 coordinate and facilitate Federal and non-Federal  
17 activities to commemorate, honor, and interpret—

18 (A) the history of the African American  
19 civil rights movement;

20 (B) the significance of the civil rights  
21 movement as a crucial element in the evolution  
22 of the Civil Rights Act of 1964 (42 U.S.C.  
23 2000a et seq.); and

1 (C) the relevance of the African American  
 2 civil rights movement in fostering the spirit of  
 3 social justice and national reconciliation.

4 (b) AFRICAN AMERICAN CIVIL RIGHTS NETWORK  
 5 PROGRAM.—

6 (1) IN GENERAL.—Subdivision 1 of Division B  
 7 of subtitle III of title 54, United States Code, is  
 8 amended by inserting after chapter 3083 the fol-  
 9 lowing:

10 **“CHAPTER 3084—AFRICAN AMERICAN**  
 11 **CIVIL RIGHTS NETWORK**

“Sec.

“308401. Definition of Network.

“308402. African American Civil Rights Network.

“308403. Cooperative agreements and memoranda of understanding.

12 **“§ 308401. Definition of Network**

13 “In this chapter, the term ‘Network’ means the Afri-  
 14 can American Civil Rights Network established under sec-  
 15 tion 308402(a).

16 **“§ 308402. African American Civil Rights Network**

17 “(a) IN GENERAL.—The Secretary shall establish,  
 18 within the Service, a program to be known as the ‘African  
 19 American Civil Rights Network’.

20 “(b) DUTIES OF SECRETARY.—In carrying out the  
 21 Network, the Secretary shall—

22 “(1) review studies and reports to complement  
 23 and not duplicate studies of the historical impor-

1 tance of the African American civil rights movement  
2 that may be underway or completed, such as the  
3 Civil Rights Framework Study;

4 “(2) produce and disseminate appropriate edu-  
5 cational materials relating to the African American  
6 civil rights movement, such as handbooks, maps, in-  
7 terpretive guides, or electronic information;

8 “(3) enter into appropriate cooperative agree-  
9 ments and memoranda of understanding to provide  
10 technical assistance under subsection (c); and

11 “(4)(A) create and adopt an official, uniform  
12 symbol or device for the Network; and

13 “(B) issue regulations for the use of the symbol  
14 or device adopted under subparagraph (A).

15 “(c) ELEMENTS.—The Network shall encompass the  
16 following elements:

17 “(1) All units and programs of the Service that  
18 are determined by the Secretary to relate to the Af-  
19 rican American civil rights movement during the pe-  
20 riod from 1939 through 1968.

21 “(2) Other Federal, State, local, and privately  
22 owned properties that—

23 “(A) relate to the African American civil  
24 rights movement;

1           “(B) have a verifiable connection to the  
2           African American civil rights movement; and

3           “(C) are included in, or determined by the  
4           Secretary to be eligible for inclusion in, the Na-  
5           tional Register of Historic Places.

6           “(3) Other governmental and nongovernmental  
7           facilities and programs of an educational, research,  
8           or interpretive nature that are directly related to the  
9           African American civil rights movement.

10   **“§ 308403. Cooperative agreements and memoranda**  
11           **of understanding**

12           “To achieve the purposes of this chapter and to en-  
13           sure effective coordination of the Federal and non-Federal  
14           elements of the Network described in section 308402(c)  
15           with System units and programs of the Service, the Sec-  
16           retary may enter into cooperative agreements and memo-  
17           randa of understanding with, and provide technical assist-  
18           ance to the heads of other Federal agencies, States, units  
19           of local government, regional governmental bodies, and  
20           private entities.”.

21           (2) CLERICAL AMENDMENT.—The table of  
22           chapters for title 54, United States Code, is amend-  
23           ed by inserting after the item relating to chapter  
24           3083 the following:

“3084. African American Civil Rights Network .....308401”.

1 **SEC. 7123. 400 YEARS OF AFRICAN-AMERICAN HISTORY**

2 **COMMISSION.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMEMORATION.—The term “commemo-  
5 ration” means the commemoration of the 400th an-  
6 niversary of the arrival of Africans in the English  
7 colonies, at Point Comfort, Virginia, in 1619.

8 (2) COMMISSION.—The term “Commission”  
9 means the 400 Years of African-American History  
10 Commission established by subsection (b)(1).

11 (b) ESTABLISHMENT.—

12 (1) IN GENERAL.—There is established a com-  
13 mission, to be known as the “400 Years of African-  
14 American History Commission”.

15 (2) MEMBERSHIP.—

16 (A) COMPOSITION.—The Commission shall  
17 be composed of 15 members, of whom—

18 (i) 3 members shall be appointed by  
19 the Secretary, after considering the rec-  
20 ommendations of Governors of States, in-  
21 cluding the Governor of Virginia;

22 (ii) 6 members shall be appointed by  
23 the Secretary, after considering the rec-  
24 ommendations of civil rights organizations  
25 and historical organizations;

1 (iii) 1 member shall be an employee of  
2 the National Park Service having experi-  
3 ence relating to the historical and cultural  
4 resources related to the commemoration, to  
5 be appointed by the Secretary;

6 (iv) 2 members shall be appointed by  
7 the Secretary, after considering the rec-  
8 ommendations of the Secretary of the  
9 Smithsonian Institution; and

10 (v) 3 members shall be individuals  
11 who have an interest in, support for, and  
12 expertise appropriate to the commemora-  
13 tion, to be appointed by the Secretary,  
14 after considering the recommendations of  
15 Members of Congress.

16 (B) TIME OF APPOINTMENT.—Each ap-  
17 pointment of an initial member of the Commis-  
18 sion shall be made before the expiration of the  
19 120-day period beginning on the date of enact-  
20 ment of this Act.

21 (C) TERM; VACANCIES.—

22 (i) TERM.—A member of the Commis-  
23 sion shall be appointed for the life of the  
24 Commission.

25 (ii) VACANCIES.—



1 (I) IN GENERAL.—A vacancy on  
2 the Commission shall be filled in the  
3 same manner in which the original ap-  
4 pointment was made.

5 (II) PARTIAL TERM.—A member  
6 appointed to fill a vacancy on the  
7 Commission shall serve for the re-  
8 mainder of the term for which the  
9 predecessor of the member was ap-  
10 pointed.

11 (iii) CONTINUATION OF MEMBER-  
12 SHIP.—If a member of the Commission  
13 was appointed to the Commission as an  
14 employee of the National Park Service, and  
15 ceases to be an employee of the National  
16 Park Service, that member may continue  
17 to serve on the Commission for not longer  
18 than the 30-day period beginning on the  
19 date on which that member ceases to be an  
20 employee of the National Park Service.

21 (3) DUTIES.—The Commission shall—

22 (A) plan, develop, and carry out programs  
23 and activities throughout the United States—

24 (i) appropriate for the commemora-  
25 tion;

1 (ii) to recognize and highlight the re-  
2 silience and contributions of African-Amer-  
3 icans since 1619;

4 (iii) to acknowledge the impact that  
5 slavery and laws that enforced racial dis-  
6 crimination had on the United States; and

7 (iv) to educate the public about—

8 (I) the arrival of Africans in the  
9 United States; and

10 (II) the contributions of African-  
11 Americans to the United States;

12 (B) encourage civic, patriotic, historical,  
13 educational, artistic, religious, economic, and  
14 other organizations throughout the United  
15 States to organize and participate in anniver-  
16 sary activities to expand understanding and ap-  
17 preciation of—

18 (i) the significance of the arrival of  
19 Africans in the United States; and

20 (ii) the contributions of African-Amer-  
21 icans to the United States;

22 (C) provide technical assistance to States,  
23 localities, and nonprofit organizations to further  
24 the commemoration;

1 (D) coordinate and facilitate for the public  
2 scholarly research on, publication about, and in-  
3 terpretation of—

4 (i) the arrival of Africans in the  
5 United States; and

6 (ii) the contributions of African-Amer-  
7 icans to the United States;

8 (E) ensure that the commemoration pro-  
9 vides a lasting legacy and long-term public ben-  
10 efit by assisting in the development of appro-  
11 priate programs; and

12 (F) help ensure that the observances of the  
13 commemoration are inclusive and appropriately  
14 recognize the experiences and heritage of all in-  
15 dividuals present at the arrival of Africans in  
16 the United States.

17 (c) COMMISSION MEETINGS.—

18 (1) INITIAL MEETING.—Not later than 30 days  
19 after the date on which all members of the Commis-  
20 sion have been appointed, the Commission shall hold  
21 the initial meeting of the Commission.

22 (2) MEETINGS.—The Commission shall meet—

23 (A) at least 3 times each year; or

24 (B) at the call of the Chairperson or the  
25 majority of the members of the Commission.

1           (3) QUORUM.—A majority of the voting mem-  
2       bers shall constitute a quorum, but a lesser number  
3       may hold meetings.

4           (4) CHAIRPERSON AND VICE CHAIRPERSON.—

5               (A) ELECTION.—The Commission shall  
6       elect the Chairperson and the Vice Chairperson  
7       of the Commission on an annual basis.

8               (B) ABSENCE OF THE CHAIRPERSON.—

9       The Vice Chairperson shall serve as the Chair-  
10      person in the absence of the Chairperson.

11          (5) VOTING.—The Commission shall act only  
12      on an affirmative vote of a majority of the members  
13      of the Commission.

14          (d) COMMISSION POWERS.—

15              (1) GIFTS.—The Commission may solicit, ac-  
16      cept, use, and dispose of gifts, bequests, or devises  
17      of money or other property for aiding or facilitating  
18      the work of the Commission.

19              (2) APPOINTMENT OF ADVISORY COMMIT-  
20      TEES.—The Commission may appoint such advisory  
21      committees as the Commission determines to be nec-  
22      essary to carry out this section.

23              (3) AUTHORIZATION OF ACTION.—The Commis-  
24      sion may authorize any member or employee of the

1 Commission to take any action that the Commission  
2 is authorized to take under this section.

3 (4) PROCUREMENT.—

4 (A) IN GENERAL.—The Commission may  
5 procure supplies, services, and property, and  
6 make or enter into contracts, leases, or other  
7 legal agreements, to carry out this section (ex-  
8 cept that a contract, lease, or other legal agree-  
9 ment made or entered into by the Commission  
10 shall not extend beyond the date of termination  
11 of the Commission).

12 (B) LIMITATION.—The Commission may  
13 not purchase real property.

14 (5) POSTAL SERVICES.—The Commission may  
15 use the United States mails in the same manner and  
16 under the same conditions as other agencies of the  
17 Federal Government.

18 (6) GRANTS AND TECHNICAL ASSISTANCE.—

19 The Commission may—

20 (A) provide grants in amounts not to ex-  
21 ceed \$20,000 per grant to communities and  
22 nonprofit organizations for use in developing  
23 programs to assist in the commemoration;

24 (B) provide grants to research and schol-  
25 arly organizations to research, publish, or dis-

1           tribute information relating to the arrival of Af-  
2           ricans in the United States; and

3           (C) provide technical assistance to States,  
4           localities, and nonprofit organizations to further  
5           the commemoration.

6       (e) COMMISSION PERSONNEL MATTERS.—

7           (1) COMPENSATION OF MEMBERS.—

8           (A) IN GENERAL.—Except as provided in  
9           subparagraph (B), a member of the Commis-  
10          sion shall serve without compensation.

11          (B) FEDERAL EMPLOYEES.—A member of  
12          the Commission who is an officer or employee  
13          of the Federal Government shall serve without  
14          compensation other than the compensation re-  
15          ceived for the services of the member as an offi-  
16          cer or employee of the Federal Government.

17          (2) TRAVEL EXPENSES.—A member of the  
18          Commission shall be allowed travel expenses, includ-  
19          ing per diem in lieu of subsistence, at rates author-  
20          ized for an employee of an agency under subchapter  
21          I of chapter 57 of title 5, United States Code, while  
22          away from the home or regular place of business of  
23          the member in the performance of the duties of the  
24          Commission.

25          (3) DIRECTOR AND STAFF.—

1 (A) IN GENERAL.—The Chairperson of the  
2 Commission may, without regard to the civil  
3 service laws (including regulations), nominate  
4 an executive director to enable the Commission  
5 to perform the duties of the Commission.

6 (B) CONFIRMATION OF EXECUTIVE DIREC-  
7 TOR.—The employment of an executive director  
8 shall be subject to confirmation by the Commis-  
9 sion.

10 (4) COMPENSATION.—

11 (A) IN GENERAL.—Except as provided in  
12 subparagraph (B), the Commission may fix the  
13 compensation of the executive director and  
14 other personnel without regard to the provisions  
15 of chapter 51 and subchapter III of chapter 53  
16 of title 5, United States Code, relating to classi-  
17 fication of positions and General Schedule pay  
18 rates.

19 (B) MAXIMUM RATE OF PAY.—The rate of  
20 pay for the executive director and other per-  
21 sonnel shall not exceed the rate payable for  
22 level V of the Executive Schedule under section  
23 5316 of title 5, United States Code.

24 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

25 (A) FEDERAL EMPLOYEES.—

1 (i) DETAIL.—At the request of the  
 2 Commission, the head of any Federal agen-  
 3 cy may detail, on a reimbursable or nonre-  
 4 imburseable basis, any of the personnel of  
 5 the agency to the Commission to assist the  
 6 Commission in carrying out the duties of  
 7 the Commission under this section.

8 (ii) CIVIL SERVICE STATUS.—The de-  
 9 tail of an employee under clause (i) shall  
 10 be without interruption or loss of civil serv-  
 11 ice status or privilege.

12 (B) STATE EMPLOYEES.—The Commission  
 13 may—

14 (i) accept the services of personnel de-  
 15 tailed from the State; and

16 (ii) reimburse the State for services of  
 17 detailed personnel.

18 (6) PROCUREMENT OF TEMPORARY AND INTER-  
 19 MITTENT SERVICES.—The Chairperson of the Com-  
 20 mission may procure temporary and intermittent  
 21 services in accordance with section 3109(b) of title  
 22 5, United States Code, at rates for individuals that  
 23 do not exceed the daily equivalent of the annual rate  
 24 of basic pay prescribed for level V of the Executive  
 25 Schedule under section 5316 of such title.



1           (7) VOLUNTEER AND UNCOMPENSATED SERV-  
2           ICES.—Notwithstanding section 1342 of title 31,  
3           United States Code, the Commission may accept and  
4           use such voluntary and uncompensated services as  
5           the Commission determines to be necessary.

6           (8) SUPPORT SERVICES.—

7                 (A) IN GENERAL.—The Secretary shall  
8           provide to the Commission, on a reimbursable  
9           basis, such administrative support services as  
10          the Commission may request.

11                (B) REIMBURSEMENT.—Any reimburse-  
12          ment under this subparagraph shall be credited  
13          to the appropriation, fund, or account used for  
14          paying the amounts reimbursed.

15          (9) NO EFFECT ON AUTHORITY.—Nothing in  
16          this subsection supersedes the authority of the Na-  
17          tional Park Service with respect to the commemora-  
18          tion.

19          (f) PLANS; REPORTS.—

20                 (1) STRATEGIC PLAN.—The Commission shall  
21          prepare a strategic plan for the activities of the  
22          Commission carried out under this section.

23                 (2) FINAL REPORT.—Not later than July 1,  
24          2020, the Commission shall complete and submit to  
25          Congress a final report that contains—

1 (A) a summary of the activities of the  
2 Commission;

3 (B) a final accounting of funds received  
4 and expended by the Commission; and

5 (C) the findings and recommendations of  
6 the Commission.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There are authorized to be  
9 appropriated to the Commission such sums as are  
10 necessary to carry out this section.

11 (2) AVAILABILITY.—Amounts made available  
12 under paragraph (1) shall remain available until  
13 July 1, 2020.

14 (h) TERMINATION OF COMMISSION.—

15 (1) DATE OF TERMINATION.—The Commission  
16 shall terminate on July 1, 2020.

17 (2) TRANSFER OF DOCUMENTS AND MATE-  
18 RIALS.—Before the date of termination specified in  
19 paragraph (1), the Commission shall transfer all  
20 documents and materials of the Commission to the  
21 National Archives or another appropriate Federal  
22 entity.

23 **SEC. 7124. MODIFICATION OF VOYAGEURS NATIONAL PARK**  
24 **BOUNDARY.**

25 (a) BOUNDARIES.—

1           (1) IN GENERAL.—Section 102(a) of Public  
2       Law 91–661 (16 U.S.C. 160a–1(a)) is amended—

3           (A) in the first sentence, by striking “the  
4       drawing entitled” and all that follows through  
5       “February 1969” and inserting “the map enti-  
6       tled ‘Voyageurs National Park, Proposed Land  
7       Transfer & Boundary Adjustment’, numbered  
8       172/80,056, and dated June 2009 (22 sheets)”;  
9       and

10          (B) in the second and third sentences, by  
11       striking “drawing” each place it appears and  
12       inserting “map”.

13          (2) TECHNICAL CORRECTIONS.—Section  
14       102(b)(2)(A) of Public Law 91–661 (16 U.S.C.  
15       160a–1(b)(2)(A)) is amended—

16          (A) by striking “paragraph (1)(C) and  
17       (D)” and inserting “subparagraphs (C) and (D)  
18       of paragraph (1)”;

19          (B) in the second proviso, by striking  
20       “paragraph 1(E)” and inserting “paragraph  
21       (1)(E)”.

22          (b) LAND ACQUISITIONS.—Section 201 of Public  
23       Law 91–661 (16 U.S.C. 160b) is amended—

1           (1) by striking the section designation and  
 2           heading and all that follows through “(a) The Sec-  
 3           retary” and inserting the following:

4   **“SEC. 201. LAND ACQUISITIONS.**

5           “(a) AUTHORIZATION.—

6           “(1) IN GENERAL.—The Secretary”;

7           (2) in subsection (a)—

8           (A) in the second sentence, by striking  
 9           “When any tract of land is only partly within  
 10          such boundaries” and inserting the following:

11          “(2) CERTAIN PORTIONS OF TRACTS.—

12           “(A) IN GENERAL.—In any case in which  
 13          only a portion of a tract of land is within the  
 14          boundaries of the park”;

15           (B) in the third sentence, by striking  
 16          “Land so acquired” and inserting the following:

17           “(B) EXCHANGE.—

18           “(i) IN GENERAL.—Any land acquired  
 19          pursuant to subparagraph (A)”;

20           (C) in the fourth sentence, by striking  
 21          “Any portion” and inserting the following:

22           “(ii) PORTIONS NOT EXCHANGED.—  
 23          Any portion”;

24           (D) in the fifth sentence, by striking “Any  
 25          Federal property” and inserting the following:

1           “(C) TRANSFERS OF FEDERAL PROP-  
2           PERTY.—Any Federal property”; and

3           (E) by striking the last sentence and in-  
4           serting the following:

5           “(D) ADMINISTRATIVE JURISDICTION.—  
6           Effective beginning on the date of enactment of  
7           this subparagraph, there is transferred to the  
8           National Park Service administrative jurisdic-  
9           tion over—

10           “(i) any land managed by the Bureau  
11           of Land Management within the bound-  
12           aries of the park, as depicted on the map  
13           described in section 102(a); and

14           “(ii) any additional public land identi-  
15           fied by the Bureau of Land Management  
16           as appropriate for transfer within the  
17           boundaries of the park.

18           “(E) LAND OWNED BY STATE.—

19           “(i) DONATIONS AND EXCHANGES.—  
20           Any land located within or adjacent to the  
21           boundaries of the park that is owned by  
22           the State of Minnesota (or a political sub-  
23           division of the State) may be acquired by  
24           the Secretary only through donation or ex-  
25           change.

1 “(ii) REVISION.—On completion of an  
 2 acquisition from the State under clause (i),  
 3 the Secretary shall revise the boundaries of  
 4 the park to reflect the acquisition.”; and

5 (3) in subsection (b), by striking “(b) In exer-  
 6 cising his” and inserting the following:

7 “(b) OFFERS BY INDIVIDUALS.—In exercising the”.

8 **SEC. 7125. NORTH COUNTRY NATIONAL SCENIC TRAIL**  
 9 **ROUTE ADJUSTMENT.**

10 Section 5(a)(8) of the National Trails System Act (16  
 11 U.S.C. 1244(a)(8)) is amended in the first sentence—

12 (1) by striking “thirty two hundred miles, ex-  
 13 tending from eastern New York State” and inserting  
 14 “4,600 miles, extending from the Appalachian Trail  
 15 in Vermont”; and

16 (2) by striking “Proposed North Country Trail”  
 17 and all that follows through “June 1975.” and in-  
 18 serting “‘North Country National Scenic Trail, Au-  
 19 thorized Route’ dated February 2014, and numbered  
 20 649/116870.”.

21 **SEC. 7126. NATIONAL EMERGENCY MEDICAL SERVICES**  
 22 **COMMEMORATIVE WORK.**

23 (a) IN GENERAL.—The National Emergency Medical  
 24 Services Memorial Foundation (referred to in this section  
 25 as the “Foundation”) may establish a commemorative

1 work on Federal land in the District of Columbia and its  
2 environs to commemorate the commitment and service  
3 represented by Emergency Medical Services.

4 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
5 RATIVE WORKS.—The establishment of the commemora-  
6 tive work under this section shall be in accordance with  
7 chapter 89 of title 40, United States Code (commonly  
8 known as the “Commemorative Works Act”).

9 (c) PAYMENT OF EXPENSES.—

10 (1) RESPONSIBILITY OF NATIONAL EMERGENCY  
11 MEDICAL SERVICES MEMORIAL FOUNDATION.—The  
12 Foundation shall be solely responsible for acceptance  
13 of contributions for, and payment of the expenses of,  
14 the establishment of the commemorative work under  
15 this section.

16 (2) USE OF FEDERAL FUNDS PROHIBITED.—  
17 Federal funds may not be used to pay any expense  
18 of the establishment of the commemorative work  
19 under this section.

20 (d) DEPOSIT OF EXCESS FUNDS.—

21 (1) IN GENERAL.—If on payment of all ex-  
22 penses for the establishment of the commemorative  
23 work (including the maintenance and preservation  
24 amount required by section 8906(b)(1) of title 40,  
25 United States Code), there remains a balance of

1 funds received for the establishment of the com-  
 2 memorative work under this section, the Foundation  
 3 shall transmit the amount of the balance to the Sec-  
 4 retary for deposit in the account provided for in sec-  
 5 tion 8906(b)(3) of title 40, United States Code.

6 (2) ON EXPIRATION OF AUTHORITY.—If on ex-  
 7 piration of the authority for the commemorative  
 8 work under section 8903(e) of title 40, United  
 9 States Code, there remains a balance of funds re-  
 10 ceived for the establishment of the commemorative  
 11 work under this section, the Foundation shall trans-  
 12 mit the amount of the balance to a separate account  
 13 with the National Park Foundation for memorials,  
 14 to be available to the Secretary or Administrator of  
 15 General Services, as appropriate, in accordance with  
 16 the process provided in section 8906(b)(4) of title  
 17 40, United States Code, for accounts established  
 18 under paragraph (2) or (3) of section 8906(b) of  
 19 title 40, United States Code.

20 **SEC. 7127. NATIONAL HERITAGE AREA DESIGNATIONS.**

21 (a) IN GENERAL.—The following areas are des-  
 22 ignated as national heritage areas, to be administered in  
 23 accordance with this section:

24 (1) APPALACHIAN FOREST NATIONAL HERITAGE  
 25 AREA, WEST VIRGINIA AND MARYLAND.—



(A) IN GENERAL.—There is established the Appalachian Forest National Heritage Area in the States of West Virginia and Maryland, as depicted on the map entitled “Appalachian Forest National Heritage Area”, numbered T07/80,000, and dated October 2007, including—

(i) Barbour, Braxton, Grant, Greenbrier, Hampshire, Hardy, Mineral, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, Upshur, and Webster Counties in West Virginia; and

(ii) Allegany and Garrett Counties in Maryland.

(B) LOCAL COORDINATING ENTITY.—The Appalachian Forest Heritage Area, Inc., shall be—

(i) the local coordinating entity for the national heritage area designated by subparagraph (A) (referred to in this subparagraph as the “local coordinating entity”); and

(ii) governed by a board of directors that shall—

(I) include members to represent a geographic balance across the coun-

1 ties described in subparagraph (A)  
2 and the States of West Virginia and  
3 Maryland;

4 (II) be composed of not fewer  
5 than 7, and not more than 15, mem-  
6 bers elected by the membership of the  
7 local coordinating entity;

8 (III) be selected to represent a  
9 balanced group of diverse interests,  
10 including—

11 (aa) the forest industry;

12 (bb) environmental interests;

13 (cc) cultural heritage inter-  
14 ests;

15 (dd) tourism interests; and

16 (ee) regional agency part-  
17 ners;

18 (IV) exercise all corporate powers  
19 of the local coordinating entity;

20 (V) manage the activities and af-  
21 fairs of the local coordinating entity;  
22 and

23 (VI) subject to any limitations in  
24 the articles and bylaws of the local co-  
25 ordinating entity, this section, and

1                   other applicable Federal or State law,  
2                   establish the policies of the local co-  
3                   ordinating entity.

4                   (2) MARITIME WASHINGTON NATIONAL HERIT-  
5                   AGE AREA, WASHINGTON.—

6                   (A) IN GENERAL.—There is established the  
7                   Maritime Washington National Heritage Area  
8                   in the State of Washington, to include land in  
9                   Whatcom, Skagit, Snohomish, San Juan, Is-  
10                  land, King, Pierce, Thurston, Mason, Kitsap,  
11                  Jefferson, Clallam, Grays Harbor Counties in  
12                  the State that is at least partially located within  
13                  the area that is ¼-mile landward of the shore-  
14                  line, as generally depicted on the map entitled  
15                  “Maritime Washington National Heritage Area  
16                  Proposed Boundary”, numbered 584/125,484,  
17                  and dated August, 2014.

18                  (B) LOCAL COORDINATING ENTITY.—The  
19                  Washington Trust for Historic Preservation  
20                  shall be the local coordinating entity for the na-  
21                  tional heritage area designated by subpara-  
22                  graph (A).

23                  (3) MOUNTAINS TO SOUND GREENWAY NA-  
24                  TIONAL HERITAGE AREA, WASHINGTON.—

1           (A) IN GENERAL.—There is established the  
2           Mountains to Sound Greenway National Herit-  
3           age Area in the State of Washington, to consist  
4           of land in King and Kittitas Counties in the  
5           State, as generally depicted on the map entitled  
6           “Mountains to Sound Greenway National Her-  
7           itage Area Proposed Boundary”, numbered  
8           584/125,483, and dated August, 2014.

9           (B) LOCAL COORDINATING ENTITY.—The  
10          Mountains to Sound Greenway Trust shall be  
11          the local coordinating entity for the national  
12          heritage area designated by subparagraph (A).

13          (C) REFERENCES TO INDIAN TRIBE; TRIB-  
14          AL.—Any reference in this section to the terms  
15          “Indian tribe” or “tribal” shall be considered,  
16          for purposes of the national heritage area des-  
17          ignated by subparagraph (A), to refer to each  
18          of the tribal governments of the Snoqualmie,  
19          Yakama, Tulalip, Muckleshoot, and Colville In-  
20          dian tribes.

21          (D) MANAGEMENT REQUIREMENTS.—With  
22          respect to the national heritage area designated  
23          by subparagraph (A):

1 (i) The preparation of an interpretive  
2 plan under subsection (c)(2)(C)(vii) shall  
3 also include plans for tribal heritage.

4 (ii) The Secretary shall ensure that  
5 the management plan developed under sub-  
6 section (c) is consistent with the trust re-  
7 sponsibilities of the Secretary to Indian  
8 tribes and tribal treaty rights within the  
9 national heritage area.

10 (iii) The interpretive plan and man-  
11 agement plan for the national heritage  
12 area shall be developed in consultation  
13 with the Indian tribes referenced in sub-  
14 paragraph (C).

15 (iv) Nothing in this section shall grant  
16 or diminish any hunting, fishing, or gath-  
17 ering treaty right of any Indian tribe.

18 (v) Nothing in this section affects the  
19 authority of a State or an Indian tribe to  
20 manage fish and wildlife, including the reg-  
21 ulation of hunting and fishing within the  
22 national heritage area.

23 (4) SACRAMENTO-SAN JOAQUIN DELTA NA-  
24 TIONAL HERITAGE AREA, CALIFORNIA.—

1 (A) IN GENERAL.—There is established the  
2 Sacramento-San Joaquin Delta National Herit-  
3 age Area in the State of California, to consist  
4 of land in Contra Costa, Sacramento, San Joa-  
5 quin, Solano, and Yolo Counties in the State, as  
6 generally depicted on the map entitled “Sac-  
7 ramento-San Joaquin Delta National Heritage  
8 Area Proposed Boundary”, numbered T27/  
9 105,030, and dated October 2012.

10 (B) LOCAL COORDINATING ENTITY.—The  
11 Delta Protection Commission established by  
12 section 29735 of the California Public Re-  
13 sources Code shall be the local coordinating en-  
14 tity for the national heritage area designated by  
15 subparagraph (A).

16 (5) SUSQUEHANNA NATIONAL HERITAGE AREA,  
17 PENNSYLVANIA.—

18 (A) IN GENERAL.—There is established the  
19 Susquehanna National Heritage Area in Lan-  
20 caster and York Counties, Pennsylvania.

21 (B) LOCAL COORDINATING ENTITY.—The  
22 Susquehanna Heritage Corporation, a nonprofit  
23 organization established under the laws of the  
24 State of Pennsylvania, shall be the local coordi-

1           nating entity for the national heritage area des-  
2           ignated by subparagraph (A).

3       (b) ADMINISTRATION.—

4           (1) AUTHORITIES.—For purposes of carrying  
5           out the management plan for each of the national  
6           heritage areas designated by subsection (a), the Sec-  
7           retary, acting through the local coordinating entity,  
8           may use amounts made available under subsection  
9           (g)—

10                (A) to make grants to the State or a polit-  
11               ical subdivision of the State, Indian tribes, non-  
12               profit organizations, and other persons;

13                (B) to enter into cooperative agreements  
14               with, or provide technical assistance to, the  
15               State or a political subdivision of the State, In-  
16               dian tribes, nonprofit organizations, and other  
17               interested parties;

18                (C) to hire and compensate staff, which  
19               shall include individuals with expertise in nat-  
20               ural, cultural, and historical resources protec-  
21               tion, and heritage programming;

22                (D) to obtain money or services from any  
23               source including any money or services that are  
24               provided under any other Federal law or pro-  
25               gram;

1 (E) to contract for goods or services; and

2 (F) to undertake to be a catalyst for any  
3 other activity that furthers the national herit-  
4 age area and is consistent with the approved  
5 management plan.

6 (2) DUTIES.—The local coordinating entity for  
7 each of the national heritage areas designated by  
8 subsection (a) shall—

9 (A) in accordance with subsection (c), pre-  
10 pare and submit a management plan for the na-  
11 tional heritage area to the Secretary;

12 (B) assist Federal agencies, the State or a  
13 political subdivision of the State, Indian tribes,  
14 regional planning organizations, nonprofit orga-  
15 nizations and other interested parties in car-  
16 rying out the approved management plan by—

17 (i) carrying out programs and projects  
18 that recognize, protect, and enhance im-  
19 portant resource values in the national her-  
20 itage area;

21 (ii) establishing and maintaining in-  
22 terpretive exhibits and programs in the na-  
23 tional heritage area;



1 (iii) developing recreational and edu-  
2 cational opportunities in the national herit-  
3 age area;

4 (iv) increasing public awareness of,  
5 and appreciation for, natural, historical,  
6 scenic, and cultural resources of the na-  
7 tional heritage area;

8 (v) protecting and restoring historic  
9 sites and buildings in the national heritage  
10 area that are consistent with national her-  
11 itage area themes;

12 (vi) ensuring that clear, consistent,  
13 and appropriate signs identifying points of  
14 public access and sites of interest are post-  
15 ed throughout the national heritage area;  
16 and

17 (vii) promoting a wide range of part-  
18 nerships among the Federal Government,  
19 State, tribal, and local governments, orga-  
20 nizations, and individuals to further the  
21 national heritage area;

22 (C) consider the interests of diverse units  
23 of government, businesses, organizations, and  
24 individuals in the national heritage area in the

1 preparation and implementation of the manage-  
2 ment plan;

3 (D) conduct meetings open to the public at  
4 least semiannually regarding the development  
5 and implementation of the management plan;

6 (E) for any year that Federal funds have  
7 been received under this subsection—

8 (i) submit to the Secretary an annual  
9 report that describes the activities, ex-  
10 penses, and income of the local coordi-  
11 nating entity (including grants to any  
12 other entities during the year that the re-  
13 port is made);

14 (ii) make available to the Secretary  
15 for audit all records relating to the expend-  
16 iture of the funds and any matching funds;  
17 and

18 (iii) require, with respect to all agree-  
19 ments authorizing expenditure of Federal  
20 funds by other organizations, that the or-  
21 ganizations receiving the funds make avail-  
22 able to the Secretary for audit all records  
23 concerning the expenditure of the funds;  
24 and

1 (F) encourage by appropriate means eco-  
2 nomic viability that is consistent with the na-  
3 tional heritage area.

4 (3) PROHIBITION ON THE ACQUISITION OF  
5 REAL PROPERTY.—The local coordinating entity  
6 shall not use Federal funds made available under  
7 subsection (g) to acquire real property or any inter-  
8 est in real property.

9 (c) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 3 years after  
11 the date of enactment of this Act, the local coordi-  
12 nating entity for each of the national heritage areas  
13 designated by subsection (a) shall submit to the Sec-  
14 retary for approval a proposed management plan for  
15 the national heritage area.

16 (2) REQUIREMENTS.—The management plan  
17 shall—

18 (A) incorporate an integrated and coopera-  
19 tive approach for the protection, enhancement,  
20 and interpretation of the natural, cultural, his-  
21 toric, scenic, and recreational resources of the  
22 national heritage area;

23 (B) take into consideration Federal, State,  
24 local, and tribal plans and treaty rights;

25 (C) include—

1 (i) an inventory of—

2 (I) the resources located in the  
3 national heritage area; and

4 (II) any other property in the na-  
5 tional heritage area that—

6 (aa) is related to the themes  
7 of the national heritage area; and

8 (bb) should be preserved, re-  
9 stored, managed, or maintained  
10 because of the significance of the  
11 property;

12 (ii) comprehensive policies, strategies  
13 and recommendations for conservation,  
14 funding, management, and development of  
15 the national heritage area;

16 (iii) a description of actions that the  
17 Federal Government, State, tribal, and  
18 local governments, private organizations,  
19 and individuals have agreed to take to pro-  
20 tect the natural, historical, cultural, scenic,  
21 and recreational resources of the national  
22 heritage area;

23 (iv) a program of implementation for  
24 the management plan by the local coordi-

1 nating entity that includes a description  
2 of—

3 (I) actions to facilitate ongoing  
4 collaboration among partners to pro-  
5 mote plans for resource protection,  
6 restoration, and construction; and

7 (II) specific commitments for im-  
8 plementation that have been made by  
9 the local coordinating entity or any  
10 government, organization, or indi-  
11 vidual for the first 5 years of oper-  
12 ation;

13 (v) the identification of sources of  
14 funding for carrying out the management  
15 plan;

16 (vi) analysis and recommendations for  
17 means by which Federal, State, local, and  
18 tribal programs, including the role of the  
19 National Park Service in the national her-  
20 itage area, may best be coordinated to  
21 carry out this subsection; and

22 (vii) an interpretive plan for the na-  
23 tional heritage area; and

24 (D) recommend policies and strategies for  
25 resource management that consider and detail

1 the application of appropriate land and water  
2 management techniques, including the develop-  
3 ment of intergovernmental and interagency co-  
4 operative agreements to protect the natural,  
5 historical, cultural, educational, scenic, and rec-  
6 reational resources of the national heritage  
7 area.

8 (3) DEADLINE.—If a proposed management  
9 plan is not submitted to the Secretary by the date  
10 that is 3 years after the date of enactment of this  
11 Act, the local coordinating entity shall be ineligible  
12 to receive additional funding under this section until  
13 the date on which the Secretary receives and ap-  
14 proves the management plan.

15 (4) APPROVAL OR DISAPPROVAL OF MANAGE-  
16 MENT PLAN.—

17 (A) IN GENERAL.—Not later than 180  
18 days after the date of receipt of the manage-  
19 ment plan under paragraph (1), the Secretary,  
20 in consultation with State and tribal govern-  
21 ments, shall approve or disapprove the manage-  
22 ment plan.

23 (B) CRITERIA FOR APPROVAL.—In deter-  
24 mining whether to approve the management  
25 plan, the Secretary shall consider whether—

1 (i) the local coordinating entity is rep-  
2 resentative of the diverse interests of the  
3 national heritage area, including Federal,  
4 State, tribal, and local governments, nat-  
5 ural and historic resource protection orga-  
6 nizations, educational institutions, busi-  
7 nesses, and recreational organizations;

8 (ii) the local coordinating entity has  
9 afforded adequate opportunity, including  
10 public hearings, for public and govern-  
11 mental involvement in the preparation of  
12 the management plan; and

13 (iii) the resource protection and inter-  
14 pretation strategies contained in the man-  
15 agement plan, if implemented, would ade-  
16 quately protect the natural, historical, and  
17 cultural resources of the national heritage  
18 area.

19 (C) ACTION FOLLOWING DISAPPROVAL.—If  
20 the Secretary disapproves the management plan  
21 under subparagraph (A), the Secretary shall—

22 (i) advise the local coordinating entity  
23 in writing of the reasons for the dis-  
24 approval;

1 (ii) make recommendations for revisions to the management plan; and

3 (iii) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

8 (D) AMENDMENTS.—

9 (i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

14 (ii) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized by this subsection to carry out any amendments to the management plan until the Secretary has approved the amendments.

20 (d) RELATIONSHIP TO OTHER FEDERAL AGEN-  
21 CIES.—

22 (1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.



1           (2) CONSULTATION AND COORDINATION.—The  
2           head of any Federal agency planning to conduct ac-  
3           tivities that may have an impact on a national herit-  
4           age area designated by subsection (a) is encouraged  
5           to consult and coordinate the activities with the Sec-  
6           retary and the local coordinating entity to the max-  
7           imum extent practicable.

8           (3) OTHER FEDERAL AGENCIES.—Nothing in  
9           this section—

10                (A) modifies, alters, or amends any law or  
11                regulation authorizing a Federal agency to  
12                manage Federal land under the jurisdiction of  
13                the Federal agency;

14                (B) limits the discretion of a Federal land  
15                manager to implement an approved land use  
16                plan within the boundaries of a national herit-  
17                age area designated by subsection (a); or

18                (C) modifies, alters, or amends any author-  
19                ized use of Federal land under the jurisdiction  
20                of a Federal agency.

21           (e) PRIVATE PROPERTY AND REGULATORY PROTEC-  
22           TIONS.—Nothing in this section—

23                (1) abridges the rights of any property owner  
24                (whether public or private), including the right to re-  
25                frain from participating in any plan, project, pro-

1       gram, or activity conducted within a national herit-  
2       age area designated by subsection (a);

3           (2) requires any property owner—

4               (A) to permit public access (including ac-  
5               cess by Federal, State, or local agencies) to the  
6               property of the property owner; or

7               (B) to modify public access or use of prop-  
8               erty of the property owner under any other  
9               Federal, State, or local law;

10          (3) alters any duly adopted land use regulation,  
11       approved land use plan, or other regulatory author-  
12       ity of any Federal, State, tribal, or local agency,

13          (4) conveys any land use or other regulatory  
14       authority to the local coordinating entity;

15          (5) authorizes or implies the reservation or ap-  
16       propriation of water or water rights;

17          (6) enlarges or diminishes the treaty rights of  
18       any Indian tribe within the national heritage area;

19          (7) diminishes—

20               (A) the authority of the State to manage  
21               fish and wildlife, including the regulation of  
22               fishing and hunting within a national heritage  
23               area designated by subsection (a); or

24               (B) the authority of Indian tribes to regu-  
25       late members of Indian tribes with respect to

1 fishing, hunting, and gathering in the exercise  
 2 of treaty rights; or

3 (8) creates any liability, or affects any liability  
 4 under any other law, of any private property owner  
 5 with respect to any person injured on the private  
 6 property.

7 (f) EVALUATION AND REPORT.—

8 (1) IN GENERAL.—For each of the national  
 9 heritage areas designated by subsection (a), not later  
 10 than 3 years before the date on which authority for  
 11 Federal funding terminates for each national herit-  
 12 age area, the Secretary shall—

13 (A) conduct an evaluation of the accom-  
 14 plishments of the national heritage area; and

15 (B) prepare a report in accordance with  
 16 paragraph (3).

17 (2) EVALUATION.—An evaluation conducted  
 18 under paragraph (1)(A) shall—

19 (A) assess the progress of the local man-  
 20 agement entity with respect to—

21 (i) accomplishing the purposes of the  
 22 authorizing legislation for the national her-  
 23 itage area; and

1 (ii) achieving the goals and objectives  
2 of the approved management plan for the  
3 national heritage area;

4 (B) analyze the investments of the Federal  
5 Government, State, tribal, and local govern-  
6 ments, and private entities in each national her-  
7 itage area to determine the impact of the in-  
8 vestments; and

9 (C) review the management structure,  
10 partnership relationships, and funding of the  
11 national heritage area for purposes of identi-  
12 fying the critical components for sustainability  
13 of the national heritage area.

14 (3) REPORT.—Based on the evaluation con-  
15 ducted under paragraph (1)(A), the Secretary shall  
16 submit to the Committee on Energy and Natural  
17 Resources of the Senate and the Committee on Nat-  
18 ural Resources of the House of Representatives a re-  
19 port that includes recommendations for the future  
20 role of the National Park Service, if any, with re-  
21 spect to the national heritage area.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be  
24 appropriated for each national heritage area des-  
25 ignated by subsection (a) to carry out the purposes

1 of this section \$10,000,000, of which not more than  
 2 \$1,000,000 may be made available in any fiscal  
 3 year.

4 (2) AVAILABILITY.—Amounts made available  
 5 under paragraph (1) shall remain available until ex-  
 6 pended.

7 (3) COST-SHARING REQUIREMENT.—

8 (A) IN GENERAL.—The Federal share of  
 9 the total cost of any activity under this section  
 10 shall be not more than 50 percent.

11 (B) FORM.—The non-Federal contribution  
 12 of the total cost of any activity under this sec-  
 13 tion may be in the form of in-kind contributions  
 14 of goods or services fairly valued.

15 (4) TERMINATION OF AUTHORITY.—The au-  
 16 thority of the Secretary to provide assistance under  
 17 this section terminates on the date that is 15 years  
 18 after the date of enactment of this Act.

19 **SEC. 7128. ADJUSTMENT OF BOUNDARIES OF LINCOLN NA-**  
 20 **TIONAL HERITAGE AREA.**

21 (a) BOUNDARY ADJUSTMENT.—Section 443(b)(1) of  
 22 the Consolidated Natural Resources Act of 2008 (Public  
 23 Law 110–229; 122 Stat. 819) is amended—

24 (1) by inserting “, Livingston,” after “La-  
 25 Salle”; and

(b) MAP.—The Secretary shall update the map referred to in section 443(b)(2) of the Consolidated Natural Resources Act of 2008 to reflect the boundary adjustment made by the amendments in subsection (a) of this section.

10 (a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Finger Lakes National Heritage Area.

14 (2) STATE.—The term “State” means the State  
15 of New York.

(3) STUDY AREA.—The term “study area” means—

(A) the counties in the State of Cayuga,  
Chemung, Cortland, Livingston, Monroe, Onon-  
daga, Ontario, Schuyler, Seneca, Steuben,  
Tioga, Tompkins, Wayne, and Yates; and

22 (B) any other areas in the State that—

(i) have heritage aspects that are similar to the areas described in subparagraph (A); and

1 (ii) are adjacent to, or in the vicinity  
2 of, those areas.

3 (b) STUDY.—

4 (1) IN GENERAL.—The Secretary, in consulta-  
5 tion with State and local historic preservation offi-  
6 cers, State and local historical societies, State and  
7 local tourism offices, and other appropriate organi-  
8 zations and governmental agencies, shall conduct a  
9 study to assess the suitability and feasibility of des-  
10 ignating the study area as a National Heritage  
11 Area, to be known as the “Finger Lakes National  
12 Heritage Area”.

13 (2) REQUIREMENTS.—The study shall include  
14 analysis, documentation, and determinations on  
15 whether the study area—

16 (A) has an assemblage of natural, historic,  
17 and cultural resources that—

18 (i) represent distinctive aspects of the  
19 heritage of the United States;

20 (ii) are worthy of recognition, con-  
21 servation, interpretation, and continuing  
22 use; and

23 (iii) would be best managed—

24 (I) through partnerships among  
25 public and private entities; and

1 (II) by linking diverse and some-  
2 times noncontiguous resources and ac-  
3 tive communities;

4 (B) reflects traditions, customs, beliefs,  
5 and folklife that are a valuable part of the story  
6 of the United States;

7 (C) provides outstanding opportunities—

8 (i) to conserve natural, historic, cul-  
9 tural, or scenic features; and

10 (ii) for recreation and education;

11 (D) contains resources that—

12 (i) are important to any identified  
13 themes of the study area; and

14 (ii) retain a degree of integrity capa-  
15 ble of supporting interpretation;

16 (E) includes residents, business interests,  
17 nonprofit organizations, and State and local  
18 governments that—

19 (i) are involved in the planning of the  
20 Heritage Area;

21 (ii) have developed a conceptual finan-  
22 cial plan that outlines the roles of all par-  
23 ticipants in the Heritage Area, including  
24 the Federal Government; and



1 (iii) have demonstrated support for  
2 the designation of the Heritage Area;

3 (F) has a potential management entity to  
4 work in partnership with the individuals and  
5 entities described in subparagraph (E) to de-  
6 velop the Heritage Area while encouraging  
7 State and local economic activity; and

8 (G) has a conceptual boundary map that is  
9 supported by the public.

10 (c) REPORT.—Not later than 3 years after the date  
11 on which funds are first made available to carry out this  
12 section, the Secretary shall submit to the Committee on  
13 Natural Resources of the House of Representatives and  
14 the Committee on Energy and Natural Resources of the  
15 Senate a report that describes—

16 (1) the findings of the study under subsection  
17 (b); and

18 (2) any conclusions and recommendations of the  
19 Secretary.

20 **SEC. 7130. MODIFICATION OF THE SECOND DIVISION ME-**  
21 **MORIAL.**

22 (a) AUTHORIZATION.—The Second Indianhead Divi-  
23 sion Association, Inc., Scholarship and Memorials Foun-  
24 dation, an organization described in section 501(c)(3) of  
25 the Internal Revenue Code of 1986 and exempt from tax-

1 ation under section 501(a) of that Code, may place addi-  
 2 tional commemorative elements or engravings on the  
 3 raised platform or stone work of the existing Second Divi-  
 4 sion Memorial located in President’s Park, between 17th  
 5 Street Northwest and Constitution Avenue in the District  
 6 of Columbia, to further honor the members of the Second  
 7 Infantry Division who have given their lives in service to  
 8 the United States.

9 (b) APPLICATION OF COMMEMORATIVE WORKS  
 10 ACT.—Chapter 89 of title 40, United States Code (com-  
 11 monly known as the “Commemorative Works Act”), shall  
 12 apply to the design and placement of the commemorative  
 13 elements or engravings authorized under subsection (a).

14 (c) FUNDING.—Federal funds may not be used for  
 15 modifications of the Second Division Memorial authorized  
 16 under subsection (a).

17 **SEC. 7131. FLORISSANT FOSSIL BEDS NATIONAL MONU-**  
 18 **MENT BOUNDARY ADJUSTMENT.**

19 The first section of Public Law 91–60 (83 Stat. 101)  
 20 is amended—

21 (1) by striking “entitled ‘Proposed Florissant  
 22 Fossil Beds National Monument’, numbered NM–  
 23 FFB–7100, and dated March 1967, and more par-  
 24 ticularly described by metes and bounds in an at-  
 25 tachment to that map,” and inserting “entitled

1 ‘Florissant Fossil Beds National Monument Pro-  
 2 posed Boundary Adjustment’, numbered 171/  
 3 132,544, and dated May 3, 2016,”; and

4 (2) by striking “six thousand acres” and insert-  
 5 ing “6,300 acres”.

6 **SEC. 7132. FORT SCOTT NATIONAL HISTORIC SITE BOUND-**  
 7 **ARY MODIFICATION.**

8 (a) IN GENERAL.—Public Law 95–484 (92 Stat.  
 9 1610) is amended—

10 (1) in the first section—

11 (A) by inserting “, by purchase with ap-  
 12 propriated funds, or by exchange” after “dona-  
 13 tion”; and

14 (B) by striking the colon and all that fol-  
 15 lows through “as ‘Lunette Blair’”; and

16 (2) in section 2—

17 (A) by striking “**SEC. 2.** When” and in-  
 18 serting the following:

19 **“SEC. 2. ESTABLISHMENT.**

20 “(a) IN GENERAL.—When”; and

21 (B) by adding at the end the following:

22 “(b) BOUNDARY MODIFICATION.—The boundary of  
 23 the Fort Scott National Historic Site established under  
 24 subsection (a) is modified as generally depicted on the  
 25 map referred to as ‘Fort Scott National Historic Site Pro-

1 posed Boundary Modification’, numbered 471/80,057, and  
2 dated February 2016.”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as are nec-  
5 essary to carry out the amendments made by subsection  
6 (a).

7 **SEC. 7133. GULF ISLANDS NATIONAL SEASHORE LAND EX-**  
8 **CHANGE.**

9 (a) DEFINITIONS.—In this section:

10 (1) FEDERAL LAND.—The term “Federal land”  
11 means the parcel of approximately 1.542 acres of  
12 land that is located within the Gulf Islands National  
13 Seashore in Jackson County, Mississippi, and identi-  
14 fied as “NPS Exchange Area” on the Map.

15 (2) MAP.—The term “Map” means the map en-  
16 titled “Gulf Islands National Seashore, Proposed  
17 Land Exchange with VFW, Davis Bayou Area—  
18 Jackson County, MS”, numbered 635/133309, and  
19 dated June 2016.

20 (3) NON-FEDERAL LAND.—The term “non-Fed-  
21 eral land” means the parcel of approximately 2.161  
22 acres of land that is located in Jackson County, Mis-  
23 sissippi, and identified as “VFW Exchange Area” on  
24 the Map.

1           (4) POST.—The term “Post” means the Vet-  
2           erans of Foreign Wars Post 5699.

3           (5) SECRETARY.—The term “Secretary” means  
4           the Secretary, acting through the Director of the  
5           National Park Service.

6           (b) AUTHORIZATION.—The Secretary may convey to  
7           the Post all right, title, and interest of the United States  
8           in and to the Federal land in exchange for the conveyance  
9           by the Post to the Secretary of all right, title, and interest  
10          of the Post in and to the non-Federal land.

11          (c) EQUAL VALUE EXCHANGE.—

12           (1) IN GENERAL.—The values of the Federal  
13           land and non-Federal land to be exchanged under  
14           this section shall be equal, as determined by an ap-  
15           praisal conducted—

16                   (A) by a qualified and independent ap-  
17                   praiser; and

18                   (B) in accordance with nationally recog-  
19                   nized appraisal standards.

20           (2) EQUALIZATION.—If the values of the Fed-  
21           eral land and non-Federal land to be exchanged  
22           under this section are not equal, the values shall be  
23           equalized through—

24                   (A) a cash payment; or

1 (B) adjustments to the acreage of the Fed-  
2 eral land or non-Federal land to be exchanged,  
3 as applicable.

4 (d) PAYMENT OF COSTS OF CONVEYANCE.—

5 (1) PAYMENT REQUIRED.—As a condition of  
6 the exchange authorized under this section, the Sec-  
7 retary shall require the Post to pay the costs to be  
8 incurred by the Secretary, or to reimburse the Sec-  
9 retary for the costs incurred by the Secretary, to  
10 carry out the exchange, including—

11 (A) survey costs;

12 (B) any costs relating to environmental  
13 documentation; and

14 (C) any other administrative costs relating  
15 to the land exchange.

16 (2) REFUND.—If the Secretary collects  
17 amounts from the Post under paragraph (1) before  
18 the Secretary incurs the actual costs and the amount  
19 collected by the Secretary exceeds the costs actually  
20 incurred by the Secretary to carry out the land ex-  
21 change under this section, the Secretary shall pro-  
22 vide to the Post a refund of the excess amount paid  
23 by the Post.

24 (3) TREATMENT OF CERTAIN AMOUNTS RE-  
25 CEIVED.—Amounts received by the Secretary from

1 the Post as reimbursement for costs incurred under  
2 paragraph (1) shall be—

3 (A) credited to the fund or account from  
4 which amounts were used to pay the costs in-  
5 curred by the Secretary in carrying out the land  
6 exchange;

7 (B) merged with amounts in the fund or  
8 account to which the amounts were credited  
9 under subparagraph (A); and

10 (C) available for the same purposes as, and  
11 subject to the same conditions and limitations  
12 applicable to, amounts in the fund or account  
13 to which the amounts were credited under sub-  
14 paragraph (A).

15 (e) DESCRIPTION OF FEDERAL LAND AND NON-FED-  
16 ERAL LAND.—The exact acreage and legal description of  
17 the Federal land and non-Federal land to be exchanged  
18 under this section shall be determined by surveys that are  
19 determined to be satisfactory by the Secretary and the  
20 Post.

21 (f) CONVEYANCE AGREEMENT.—The exchange of  
22 Federal land and non-Federal land under this section shall  
23 be—

24 (1) carried out through a quitclaim deed or  
25 other legal instrument; and

1           (2) subject to such terms and conditions as are  
 2           mutually satisfactory to the Secretary and the Post,  
 3           including such additional terms and conditions as  
 4           the Secretary considers to be appropriate to protect  
 5           the interests of the United States.

6           (g) VALID EXISTING RIGHTS.—The exchange of Fed-  
 7           eral land and non-Federal land authorized under this sec-  
 8           tion shall be subject to valid existing rights.

9           (h) TITLE APPROVAL.—Title to the Federal land and  
 10          non-Federal land to be exchanged under this section shall  
 11          be in a form acceptable to the Secretary.

12          (i) TREATMENT OF ACQUIRED LAND.—Any non-Fed-  
 13          eral land and interests in non-Federal land acquired by  
 14          the United States under this section shall be administered  
 15          by the Secretary as part of the Gulf Islands National Sea-  
 16          shore.

17          (j) MODIFICATION OF BOUNDARY.—On completion of  
 18          the exchange of Federal land and non-Federal land under  
 19          this section, the Secretary shall modify the boundary of  
 20          the Gulf Islands National Seashore to reflect the exchange  
 21          of Federal land and non-Federal land.

22   **SEC. 7134. STE. GENEVIEVE NATIONAL HISTORICAL PARK.**

23          (a) DEFINITIONS.—In this section:

24               (1) HISTORIC DISTRICT.—The term “Historic  
 25          District” means the Ste. Genevieve Historic District



1 National Historic Landmark, as generally depicted  
2 on the Map.

3 (2) HISTORICAL PARK.—The term “Historical  
4 Park” means the Ste. Genevieve National Historical  
5 Park established by subsection (b).

6 (3) MAP.—The term “Map” means the map en-  
7 titled “Ste. Genevieve National Historical Park Pro-  
8 posed Boundary”, numbered 571/132,626, and  
9 dated May 2016.

10 (4) SPECIAL RESOURCE STUDY.—The term  
11 “special resource study” means the study entitled  
12 “Ste. Genevieve Final Special Resources Study and  
13 Environmental Assessment, Missouri” and dated  
14 May 2016.

15 (5) STATE.—The term “State” means the State  
16 of Missouri.

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—Subject to paragraph (2),  
19 there is established the Ste. Genevieve National His-  
20 torical Park in the State as a unit of the National  
21 Park System to preserve, protect, and interpret for  
22 the benefit of present and future generations the  
23 themes of French settlement, vernacular architec-  
24 ture, and community form and farming on the fron-  
25 tier associated with Ste. Genevieve.

1           (2) CONDITIONS FOR ESTABLISHMENT.—The  
2       Historical Park shall not be established until the  
3       date on which the Secretary determines that—

4           (A) sufficient land has been acquired for  
5       the Historical Park to constitute a manageable  
6       unit; and

7           (B) the Secretary has entered into a writ-  
8       ten agreement providing that land owned by the  
9       State, the City of Ste. Genevieve, or other enti-  
10      ty within the Historic District shall be managed  
11      consistent with the purposes of this section.

12      (c) BOUNDARIES.—The boundaries of the Historical  
13      Park shall be the boundaries generally depicted on the  
14      Map.

15      (d) AVAILABILITY OF MAP.—The Map shall be on file  
16      and available for public inspection in the appropriate of-  
17      fices of the National Park Service.

18      (e) ACQUISITION AUTHORITY.—

19           (1) IN GENERAL.—The Secretary may acquire  
20      any land or interest in land located within the  
21      boundary of the Historical Park or any nationally  
22      significant property identified in the special resource  
23      study within the Historic District by—

24           (A) donation;

1 (B) purchase with donated or appropriated  
2 funds; or

3 (C) exchange.

4 (2) BOUNDARY REVISION.—On the acquisition  
5 of any property within the Historic District under  
6 paragraph (1), the Secretary shall revise the bound-  
7 ary of the Historical Park to include the property.

8 (f) ADMINISTRATION.—

9 (1) IN GENERAL.—The Secretary shall admin-  
10 ister the Historical Park in accordance with—

11 (A) this section; and

12 (B) the laws generally applicable to units  
13 of the National Park System, including—

14 (i) section 100101(a), chapter 1003,  
15 and sections 100751(a), 100752, 100753,  
16 and 102101 of title 54, United States  
17 Code; and

18 (ii) chapter 3201 of title 54, United  
19 States Code.

20 (2) MANAGEMENT PLAN.—

21 (A) IN GENERAL.—Not later than 3 years  
22 after the date on which funds are made avail-  
23 able to prepare a general management plan for  
24 the Historical Park, the Secretary shall prepare  
25 the general management plan in accordance

1 with section 100502 of title 54, United States  
2 Code.

3 (B) SUBMISSION TO CONGRESS.—On com-  
4 pletion of the general management plan under  
5 subparagraph (A), the Secretary shall submit to  
6 the Committee on Natural Resources of the  
7 House of Representatives and the Committee  
8 on Energy and Natural Resources of the Senate  
9 the general management plan.

10 (3) RELATED SITES.—The Secretary may pro-  
11 vide interpretative tours and educational programs  
12 at related historic and cultural sites within the His-  
13 toric District associated with the purposes for which  
14 the Historical Park is established.

15 (g) COOPERATIVE AGREEMENTS.—

16 (1) IN GENERAL.—The Secretary may provide  
17 technical assistance and enter into cooperative  
18 agreements with the owner of a nationally signifi-  
19 cant property within the Historical Park or the His-  
20 toric District, to identify, mark, interpret, improve,  
21 and restore the property.

22 (2) RIGHT OF ACCESS.—A cooperative agree-  
23 ment entered into under paragraph (1) shall provide  
24 that the Secretary, acting through the Director of  
25 the National Park Service, shall have the right of

1 access at all reasonable times to all public portions  
2 of the property covered by the agreement for the  
3 purposes of—

4 (A) conducting visitors through the prop-  
5 erty; and

6 (B) interpreting the property for the pub-  
7 lic.

8 (3) COST-SHARING REQUIREMENT.—

9 (A) FEDERAL SHARE.—The Federal share  
10 of the total cost of any activity carried out  
11 under a cooperative agreement entered into  
12 under this subsection shall be not more than 50  
13 percent.

14 (B) FORM OF NON-FEDERAL SHARE.—The  
15 non-Federal share of an activity carried out  
16 under a cooperative agreement entered into  
17 under this subsection may be in the form of do-  
18 nated property, goods, or services fairly valued.

19 (4) CHANGES OR ALTERATIONS.—No changes  
20 or alterations shall be made to any property or  
21 project covered by a cooperative agreement entered  
22 into under paragraph (1) unless the Secretary and  
23 the other party to the agreement agree to the  
24 changes or alterations.

1           (5) CONVERSION, USE, OR DISPOSAL.—Any  
 2           payment by the Secretary under this subsection shall  
 3           be subject to an agreement that the conversion, use,  
 4           or disposal of a property or project for purposes con-  
 5           trary to the purposes of this section, as determined  
 6           by the Secretary, shall entitle the United States to  
 7           reimbursement in any amount equal to the greater  
 8           of—

9                   (A) the amounts made available to the  
 10           property or project by the United States; or

11                   (B) the portion of the increased value of  
 12           the property or project attributable to the  
 13           amounts made available under this subsection,  
 14           as determined at the time of the conversion,  
 15           use, or disposal.

16           (h) LIMITED ROLE OF THE SECRETARY.—Nothing in  
 17           this section authorizes the Secretary to assume overall fi-  
 18           nancial responsibility for the operation, maintenance, or  
 19           management of the Historic District.

20   **SEC. 7135. BOWS IN PARKS.**

21           (a) IN GENERAL.—Chapter 1049 of title 54, United  
 22           States Code (as amended by section 5101(a)), is amended  
 23           by adding at the end the following:

1 **“§ 104909. Bows in parks**

2 “(a) DEFINITION OF NOT READY FOR IMMEDIATE  
3 USE.—The term ‘not ready for immediate use’ means—

4 “(1) a bow or crossbow, the arrows of which are  
5 secured or stowed in a quiver or other arrow trans-  
6 port case; and

7 “(2) with respect to a crossbow, uncocked.

8 “(b) VEHICULAR TRANSPORTATION AUTHORIZED.—  
9 The Director shall not promulgate or enforce any regula-  
10 tion that prohibits an individual from transporting bows  
11 and crossbows that are not ready for immediate use across  
12 any System unit in the vehicle of the individual if—

13 “(1) the individual is not otherwise prohibited  
14 by law from possessing the bows and crossbows;

15 “(2) the bows or crossbows that are not ready  
16 for immediate use remain inside the vehicle of the  
17 individual throughout the period during which the  
18 bows or crossbows are transported across System  
19 land; and

20 “(3) the possession of the bows and crossbows  
21 is in compliance with the law of the State in which  
22 the System unit is located.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 1049 of title 54, United States Code (as

1 amended by section 5101(b)), is amended by inserting  
2 after the item relating to section 104908 the following:  
“104909. Bows in parks.”.

3 **SEC. 7136. WILDLIFE MANAGEMENT IN PARKS.**

4 (a) IN GENERAL.—Chapter 1049 of title 54, United  
5 States Code (as amended by section 7135(a)), is amended  
6 by adding at the end the following:

7 **“§ 104910. Wildlife management in parks**

8 “(a) USE OF QUALIFIED VOLUNTEERS.—If the Sec-  
9 retary determines it is necessary to reduce the size of a  
10 wildlife population on System land in accordance with ap-  
11 plicable law (including regulations), the Secretary may use  
12 qualified volunteers to assist in carrying out wildlife man-  
13 agement on System land.

14 “(b) REQUIREMENTS FOR QUALIFIED VOLUN-  
15 TEERS.—Qualified volunteers providing assistance under  
16 subsection (a) shall be subject to—

17 “(1) any training requirements or qualifications  
18 established by the Secretary; and

19 “(2) any other terms and conditions that the  
20 Secretary may require.

21 “(c) DONATIONS.—The Secretary may authorize the  
22 donation and distribution of meat from wildlife manage-  
23 ment activities carried out under this section, including  
24 the donation and distribution to Indian tribes, qualified  
25 volunteers, food banks, and other organizations that work



1 to address hunger, in accordance with applicable health  
 2 guidelines and such terms and conditions as the Secretary  
 3 may require.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 for chapter 1049 of title 54 (as amended by section  
 6 7135(b)), United States Code, is amended by inserting  
 7 after the item relating to section 104909 the following:  
 “104910. Wildlife management in parks.”.

8 **TITLE VIII—SPORTSMEN’S**  
 9 **ACCESS AND RELATED MATTERS**  
 10 **Subtitle A—National Policy**

11 **SEC. 8001. CONGRESSIONAL DECLARATION OF NATIONAL**  
 12 **POLICY.**

13 (a) IN GENERAL.—Congress declares that it is the  
 14 policy of the United States that Federal departments and  
 15 agencies, in accordance with the missions of the depart-  
 16 ments and agencies, Executive Orders 12962 and 13443  
 17 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537  
 18 (August 16, 2007)), and applicable law, shall—

19 (1) facilitate the expansion and enhancement of  
 20 hunting, fishing, and recreational shooting opportu-  
 21 nities on Federal land, in consultation with the  
 22 Wildlife and Hunting Heritage Conservation Coun-  
 23 cil, the Sport Fishing and Boating Partnership  
 24 Council, State and tribal fish and wildlife agencies,  
 25 and the public;

1           (2) conserve and enhance aquatic systems and  
2           the management of game species and the habitat of  
3           those species on Federal land, including through  
4           hunting and fishing, in a manner that respects—

5                   (A) State management authority over wild-  
6                   life resources; and

7                   (B) private property rights; and

8           (3) consider hunting, fishing, and recreational  
9           shooting opportunities as part of all Federal plans  
10          for land, resource, and travel management.

11          (b) EXCLUSION.—In this title, the term “fishing”  
12          does not include commercial fishing in which fish are har-  
13          vested, either in whole or in part, that are intended to  
14          enter commerce through sale.

## 15       **Subtitle B—Sportsmen’s Access to** 16                       **Federal Land**

### 17       **SEC. 8101. DEFINITIONS.**

18          In this subtitle:

19               (1) FEDERAL LAND.—The term “Federal land”  
20               means—

21                   (A) any land in the National Forest Sys-  
22                   tem (as defined in section 11(a) of the Forest  
23                   and Rangeland Renewable Resources Planning  
24                   Act of 1974 (16 U.S.C. 1609(a))) that is ad-  
25                   ministered by the Secretary of Agriculture, act-

1 ing through the Chief of the Forest Service;  
 2 and

3 (B) public lands (as defined in section 103  
 4 of the Federal Land Policy and Management  
 5 Act of 1976 (43 U.S.C. 1702)), the surface of  
 6 which is administered by the Secretary, acting  
 7 through the Director of the Bureau of Land  
 8 Management.

9 (2) SECRETARY CONCERNED.—The term “Sec-  
 10 retary concerned” means—

11 (A) the Secretary of Agriculture, with re-  
 12 spect to land described in paragraph (1)(A);  
 13 and

14 (B) the Secretary, with respect to land de-  
 15 scribed in paragraph (1)(B).

16 **SEC. 8102. FEDERAL LAND OPEN TO HUNTING, FISHING,**  
 17 **AND RECREATIONAL SHOOTING.**

18 (a) IN GENERAL.—Subject to subsection (b), Federal  
 19 land shall be open to hunting, fishing, and recreational  
 20 shooting, in accordance with applicable law, unless the  
 21 Secretary concerned closes an area in accordance with sec-  
 22 tion 8103.

23 (b) EFFECT OF PART.—Nothing in this subtitle  
 24 opens to hunting, fishing, or recreational shooting any

1 land that is not open to those activities as of the date  
2 of enactment of this Act.

3 **SEC. 8103. CLOSURE OF FEDERAL LAND TO HUNTING, FISH-**  
4 **ING, AND RECREATIONAL SHOOTING.**

5 (a) AUTHORIZATION.—

6 (1) IN GENERAL.—Subject to paragraph (2)  
7 and in accordance with section 302(b) of the Federal  
8 Land Policy and Management Act of 1976 (43  
9 U.S.C. 1732(b)), the Secretary concerned may des-  
10 ignate any area on Federal land in which, and estab-  
11 lish any period during which, for reasons of public  
12 safety, administration, or compliance with applicable  
13 laws, no hunting, fishing, or recreational shooting  
14 shall be permitted.

15 (2) REQUIREMENT.—In making a designation  
16 under paragraph (1), the Secretary concerned shall  
17 designate the smallest area for the least amount of  
18 time that is required for public safety, administra-  
19 tion, or compliance with applicable laws.

20 (b) CLOSURE PROCEDURES.—

21 (1) IN GENERAL.—Except in an emergency, be-  
22 fore permanently or temporarily closing any Federal  
23 land to hunting, fishing, or recreational shooting,  
24 the Secretary concerned shall—

1 (A) consult with State fish and wildlife  
2 agencies; and

3 (B) provide public notice and opportunity  
4 for comment under paragraph (2).

5 (2) PUBLIC NOTICE AND COMMENT.—

6 (A) IN GENERAL.—Public notice and com-  
7 ment shall include—

8 (i) a notice of intent—

9 (I) published in advance of the  
10 public comment period for the clo-  
11 sure—

12 (aa) in the Federal Register;

13 (bb) on the website of the  
14 applicable Federal agency;

15 (cc) on the website of the  
16 Federal land unit, if available;  
17 and

18 (dd) in at least 1 local news-  
19 paper;

20 (II) made available in advance of  
21 the public comment period to local of-  
22 fices, chapters, and affiliate organiza-  
23 tions in the vicinity of the closure that  
24 are signatories to the memorandum of  
25 understanding entitled “Federal

1 Lands Hunting, Fishing, and Shoot-  
2 ing Sports Roundtable Memorandum  
3 of Understanding”; and

4 (III) that describes—

5 (aa) the proposed closure;

6 and

7 (bb) the justification for the

8 proposed closure, including an

9 explanation of the reasons and

10 necessity for the decision to close

11 the area to hunting, fishing, or

12 recreational shooting; and

13 (ii) an opportunity for public comment

14 for a period of—

15 (I) not less than 60 days for a

16 permanent closure; or

17 (II) not less than 30 days for a

18 temporary closure.

19 (B) FINAL DECISION.—In a final decision  
20 to permanently or temporarily close an area to  
21 hunting, fishing, or recreation shooting, the  
22 Secretary concerned shall—

23 (i) respond in a reasoned manner to

24 the comments received;

1 (ii) explain how the Secretary con-  
2 cerned resolved any significant issues  
3 raised by the comments; and

4 (iii) show how the resolution led to  
5 the closure.

6 (c) TEMPORARY CLOSURES.—

7 (1) IN GENERAL.—A temporary closure under  
8 this section may not exceed a period of 180 days.

9 (2) RENEWAL.—Except in an emergency, a  
10 temporary closure for the same area of land closed  
11 to the same activities—

12 (A) may not be renewed more than 3 times  
13 after the first temporary closure; and

14 (B) must be subject to a separate notice  
15 and comment procedure in accordance with sub-  
16 section (b)(2).

17 (3) EFFECT OF TEMPORARY CLOSURE.—Any  
18 Federal land that is temporarily closed to hunting,  
19 fishing, or recreational shooting under this section  
20 shall not become permanently closed to that activity  
21 without a separate public notice and opportunity to  
22 comment in accordance with subsection (b)(2).

23 (d) REPORTING.—On an annual basis, the Secre-  
24 taries concerned shall—

1           (1) publish on a public website a list of all  
2       areas of Federal land temporarily or permanently  
3       subject to a closure under this section; and

4           (2) submit to the Committee on Energy and  
5       Natural Resources and the Committee on Agri-  
6       culture, Nutrition, and Forestry of the Senate and  
7       the Committee on Natural Resources and the Com-  
8       mittee on Agriculture of the House of Representa-  
9       tives a report that identifies—

10           (A) a list of each area of Federal land tem-  
11       porarily or permanently subject to a closure;

12           (B) the acreage of each closure; and

13           (C) a survey of—

14           (i) the aggregate areas and acreage  
15       closed under this section in each State;  
16       and

17           (ii) the percentage of Federal land in  
18       each State closed under this section with  
19       respect to hunting, fishing, and rec-  
20       reational shooting.

21       (e) APPLICATION.—This section shall not apply if the  
22       closure is—

23           (1) less than 14 days in duration; and

24           (2) covered by a special use permit.



1 **SEC. 8104. SHOOTING RANGES.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), the Secretary concerned may, in accordance with this  
4 section and other applicable law, lease or permit the use  
5 of Federal land for a shooting range.

6 (b) EXCEPTION.—The Secretary concerned shall not  
7 lease or permit the use of Federal land for a shooting  
8 range, within—

9 (1) a component of the National Landscape  
10 Conservation System;

11 (2) a component of the National Wilderness  
12 Preservation System;

13 (3) any area that is—

14 (A) designated as a wilderness study area;

15 (B) administratively classified as—

16 (i) wilderness-eligible; or

17 (ii) wilderness-suitable; or

18 (C) a primitive or semiprimitive area;

19 (4) a national monument, national volcanic  
20 monument, or national scenic area; or

21 (5) a component of the National Wild and Sce-  
22 nic Rivers System (including areas designated for  
23 study for potential addition to the National Wild  
24 and Scenic Rivers System).

1 **SEC. 8105. FEDERAL ACTION TRANSPARENCY.**

2 (a) MODIFICATION OF EQUAL ACCESS TO JUSTICE  
3 PROVISIONS.—

4 (1) AGENCY PROCEEDINGS.—Section 504 of  
5 title 5, United States Code, is amended—

6 (A) in subsection (c)(1), by striking “,  
7 United States Code”;

8 (B) by redesignating subsection (f) as sub-  
9 section (i); and

10 (C) by striking subsection (e) and inserting  
11 the following:

12 “(e)(1) Not later than March 31 of the first fiscal  
13 year beginning after the date of enactment of the Energy  
14 and Natural Resources Act of 2017, and every fiscal year  
15 thereafter, the Chairman of the Administrative Conference  
16 of the United States, after consultation with the Chief  
17 Counsel for Advocacy of the Small Business Administra-  
18 tion, shall submit to Congress and make publicly available  
19 online a report on the amount of fees and other expenses  
20 awarded during the preceding fiscal year under this sec-  
21 tion.

22 “(2) Each report under paragraph (1) shall describe  
23 the number, nature, and amount of the awards, the claims  
24 involved in the controversy, and any other relevant infor-  
25 mation that may aid Congress in evaluating the scope and  
26 impact of such awards.

1       “(3)(A) Each report under paragraph (1) shall ac-  
2 count for all payments of fees and other expenses awarded  
3 under this section that are made pursuant to a settlement  
4 agreement, regardless of whether the settlement agree-  
5 ment is sealed or otherwise subject to a nondisclosure pro-  
6 vision.

7       “(B) The disclosure of fees and other expenses re-  
8 quired under subparagraph (A) shall not affect any other  
9 information that is subject to a nondisclosure provision in  
10 a settlement agreement.

11       “(f) As soon as practicable, and in any event not later  
12 than the date on which the first report under subsection  
13 (e)(1) is required to be submitted, the Chairman of the  
14 Administrative Conference of the United States shall cre-  
15 ate and maintain online a searchable database containing,  
16 with respect to each award of fees and other expenses  
17 under this section made on or after the date of enactment  
18 of the Energy and Natural Resources Act of 2017, the  
19 following information:

20               “(1) The case name and number of the adver-  
21 sary adjudication, if available, hyperlinked to the  
22 case, if available.

23               “(2) The name of the agency involved in the  
24 adversary adjudication.

1           “(3) A description of the claims in the adver-  
2       sary adjudication.

3           “(4) The name of each party to whom the  
4       award was made as such party is identified in the  
5       order or other court document making the award.

6           “(5) The amount of the award.

7           “(6) The basis for the finding that the position  
8       of the agency concerned was not substantially justi-  
9       fied.

10          “(g) The online searchable database described in sub-  
11       section (f) may not reveal any information the disclosure  
12       of which is prohibited by law or a court order.

13          “(h) The head of each agency shall provide to the  
14       Chairman of the Administrative Conference of the United  
15       States in a timely manner all information requested by  
16       the Chairman to comply with the requirements of sub-  
17       sections (e), (f), and (g).”.

18               (2) COURT CASES.—Section 2412(d) of title 28,  
19       United States Code, is amended by adding at the  
20       end the following:

21          “(5)(A) Not later than March 31 of the first fiscal  
22       year beginning after the date of enactment of the Energy  
23       and Natural Resources Act of 2017, and every fiscal year  
24       thereafter, the Chairman of the Administrative Conference  
25       of the United States shall submit to Congress and make

1 publicly available online a report on the amount of fees  
2 and other expenses awarded during the preceding fiscal  
3 year pursuant to this subsection.

4 “(B) Each report under subparagraph (A) shall de-  
5 scribe the number, nature, and amount of the awards, the  
6 claims involved in the controversy, and any other relevant  
7 information that may aid Congress in evaluating the scope  
8 and impact of such awards.

9 “(C)(i) Each report under subparagraph (A) shall ac-  
10 count for all payments of fees and other expenses awarded  
11 under this subsection that are made pursuant to a settle-  
12 ment agreement, regardless of whether the settlement  
13 agreement is sealed or otherwise subject to a nondisclosure  
14 provision.

15 “(ii) The disclosure of fees and other expenses re-  
16 quired under clause (i) shall not affect any other informa-  
17 tion that is subject to a nondisclosure provision in a settle-  
18 ment agreement.

19 “(D) The Chairman of the Administrative Conference  
20 of the United States shall include and clearly identify in  
21 each annual report under subparagraph (A), for each case  
22 in which an award of fees and other expenses is included  
23 in the report—

24 “(i) any amounts paid under section 1304 of  
25 title 31 for a judgment in the case;

1           “(ii) the amount of the award of fees and other  
2           expenses; and

3           “(iii) the statute under which the plaintiff filed  
4           suit.

5           “(6) As soon as practicable, and in any event not  
6           later than the date on which the first report under para-  
7           graph (5)(A) is required to be submitted, the Chairman  
8           of the Administrative Conference of the United States  
9           shall create and maintain online a searchable database  
10          containing, with respect to each award of fees and other  
11          expenses under this subsection made on or after the date  
12          of enactment of the Energy and Natural Resources Act  
13          of 2017, the following information:

14           “(A) The case name and number, hyperlinked  
15          to the case, if available.

16           “(B) The name of the agency involved in the  
17          case.

18           “(C) The name of each party to whom the  
19          award was made as such party is identified in the  
20          order or other court document making the award.

21           “(D) A description of the claims in the case.

22           “(E) The amount of the award.

23           “(F) The basis for the finding that the position  
24          of the agency concerned was not substantially justi-  
25          fied.

1       “(7) The online searchable database described in  
2 paragraph (6) may not reveal any information the disclo-  
3 sure of which is prohibited by law or a court order.

4       “(8) The head of each agency (including the Attorney  
5 General of the United States) shall provide to the Chair-  
6 man of the Administrative Conference of the United  
7 States in a timely manner all information requested by  
8 the Chairman to comply with the requirements of para-  
9 graphs (5), (6), and (7).”.

10           (3) TECHNICAL AND CONFORMING AMEND-  
11 MENTS.—Section 2412 of title 28, United States  
12 Code, is amended—

13                   (A) in subsection (d)(3), by striking  
14 “United States Code,”; and

15                   (B) in subsection (e)—

16                           (i) by striking “of section 2412 of  
17 title 28, United States Code,” and insert-  
18 ing “of this section”; and

19                           (ii) by striking “of such title” and in-  
20 serting “of this title”.

21           (b) JUDGMENT FUND TRANSPARENCY.—Section  
22 1304 of title 31, United States Code, is amended by add-  
23 ing at the end the following:

24           “(d) Beginning not later than the date that is 60  
25 days after the date of enactment of the Energy and Nat-

1 ural Resources Act of 2017, and unless the disclosure of  
 2 such information is otherwise prohibited by law or a court  
 3 order, the Secretary of the Treasury shall make available  
 4 to the public on a website, as soon as practicable, but not  
 5 later than 30 days after the date on which a payment  
 6 under this section is tendered, the following information  
 7 with regard to that payment:

8           “(1) The name of the specific agency or entity  
 9           whose actions gave rise to the claim or judgment.

10           “(2) The name of the plaintiff or claimant.

11           “(3) The name of counsel for the plaintiff or  
 12           claimant.

13           “(4) The amount paid representing principal li-  
 14           ability, and any amounts paid representing any an-  
 15           cillary liability, including attorney fees, costs, and  
 16           interest.

17           “(5) A brief description of the facts that gave  
 18           rise to the claim.

19           “(6) The name of the agency that submitted  
 20           the claim.”.

21 **SEC. 8106. IDENTIFYING OPPORTUNITIES FOR RECRE-**  
 22 **ATION, HUNTING, AND FISHING ON FEDERAL**  
 23 **LAND.**

24           (a) DEFINITIONS.—In this section:



1           (1) SECRETARY.—The term “Secretary”  
2 means—

3           (A) the Secretary, with respect to land ad-  
4 ministered by—

5                 (i) the Director of the National Park  
6 Service;

7                 (ii) the Director of the United States  
8 Fish and Wildlife Service; and

9                 (iii) the Director of the Bureau of  
10 Land Management; and

11           (B) the Secretary of Agriculture, with re-  
12 spect to land administered by the Chief of the  
13 Forest Service.

14           (2) STATE OR REGIONAL OFFICE.—The term  
15 “State or regional office” means—

16           (A) a State office of the Bureau of Land  
17 Management; or

18           (B) a regional office of—

19                 (i) the National Park Service;

20                 (ii) the United States Fish and Wild-  
21 life Service; or

22                 (iii) the Forest Service.

23           (3) TRAVEL MANAGEMENT PLAN.—The term  
24 “travel management plan” means a plan for the  
25 management of travel—

1 (A) with respect to land under the jurisdic-  
2 tion of the National Park Service, on park  
3 roads and designated routes under section 4.10  
4 of title 36, Code of Federal Regulations (or suc-  
5 cessor regulations);

6 (B) with respect to land under the jurisdic-  
7 tion of the United States Fish and Wildlife  
8 Service, on the land under a comprehensive con-  
9 servation plan prepared under section 4(e) of  
10 the National Wildlife Refuge System Adminis-  
11 tration Act of 1966 (16 U.S.C. 668dd(e));

12 (C) with respect to land under the jurisdic-  
13 tion of the Forest Service, on National Forest  
14 System land under part 212 of title 36, Code  
15 of Federal Regulations (or successor regula-  
16 tions); and

17 (D) with respect to land under the jurisdic-  
18 tion of the Bureau of Land Management, under  
19 a resource management plan developed under  
20 the Federal Land Policy and Management Act  
21 of 1976 (43 U.S.C. 1701 et seq.).

22 (b) PRIORITY LISTS REQUIRED.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of enactment of this Act, and biennially  
25 thereafter during the 10-year period beginning on

1 the date on which the first priority list is completed,  
 2 the Secretary shall prepare a priority list, to be  
 3 made publicly available on the website of the appli-  
 4 cable Federal agency referred to in subsection  
 5 (a)(1), which shall identify the location and acreage  
 6 of land within the jurisdiction of each State or re-  
 7 gional office on which the public is allowed, under  
 8 Federal or State law, to hunt, fish, or use the land  
 9 for other recreational purposes but—

10 (A) to which there is no public access or  
 11 egress; or

12 (B) to which public access or egress to the  
 13 legal boundaries of the land is significantly re-  
 14 stricted (as determined by the Secretary).

15 (2) MINIMUM SIZE.—Any land identified under  
 16 paragraph (1) shall consist of contiguous acreage of  
 17 at least 640 acres.

18 (3) CONSIDERATIONS.—In preparing the pri-  
 19 ority list required under paragraph (1), the Sec-  
 20 retary shall consider with respect to the land—

21 (A) whether access is absent or merely re-  
 22 stricted, including the extent of the restriction;

23 (B) the likelihood of resolving the absence  
 24 of or restriction to public access;

25 (C) the potential for recreational use;

1 (D) any information received from the  
 2 public or other stakeholders during the nomina-  
 3 tion process described in paragraph (5); and

4 (E) any other factor as determined by the  
 5 Secretary.

6 (4) ADJACENT LAND STATUS.—For each parcel  
 7 of land on the priority list, the Secretary shall in-  
 8 clude in the priority list whether resolving the issue  
 9 of public access or egress to the land would require  
 10 acquisition of an easement, right-of-way, or fee title  
 11 from—

12 (A) another Federal agency;

13 (B) a State, local, or tribal government; or

14 (C) a private landowner.

15 (5) NOMINATION PROCESS.—In preparing a pri-  
 16 ority list under this section, the Secretary shall pro-  
 17 vide an opportunity for members of the public to  
 18 nominate parcels for inclusion on the priority list.

19 (c) ACCESS OPTIONS.—With respect to land included  
 20 on a priority list described in subsection (b), the Secretary  
 21 shall develop and submit to the Committees on Appropria-  
 22 tions and Energy and Natural Resources of the Senate  
 23 and the Committees on Appropriations and Natural Re-  
 24 sources of the House of Representatives a report on op-  
 25 tions for providing access that—

1           (1) identifies how public access and egress  
2           could reasonably be provided to the legal boundaries  
3           of the land in a manner that minimizes the impact  
4           on wildlife habitat and water quality;

5           (2) specifies the steps recommended to secure  
6           the access and egress, including acquiring an ease-  
7           ment, right-of-way, or fee title from a willing owner  
8           of any land that abuts the land or the need to co-  
9           ordinate with State land management agencies or  
10          other Federal, State, or tribal governments to allow  
11          for such access and egress; and

12          (3) is consistent with the travel management  
13          plan in effect on the land.

14          (d) PROTECTION OF PERSONALLY IDENTIFYING IN-  
15          FORMATION.—In making the priority list and report pre-  
16          pared under subsections (b) and (c) available, the Sec-  
17          retary shall ensure that no personally identifying informa-  
18          tion is included, such as names or addresses of individuals  
19          or entities.

20          (e) WILLING OWNERS.—For purposes of providing  
21          any permits to, or entering into agreements with, a State,  
22          local, or tribal government or private landowner with re-  
23          spect to the use of land under the jurisdiction of the gov-  
24          ernment or landowner, the Secretary shall not take into  
25          account whether the State, local, or tribal government or

1 private landowner has granted or denied public access or  
 2 egress to the land.

3 (f) MEANS OF PUBLIC ACCESS AND EGRESS IN-  
 4 CLUDED.—In considering public access and egress under  
 5 subsections (b) and (c), the Secretary shall consider public  
 6 access and egress to the legal boundaries of the land de-  
 7 scribed in those subsections, including access and egress—

- 8 (1) by motorized or non-motorized vehicles; and
- 9 (2) on foot or horseback.

10 (g) EFFECT.—

11 (1) IN GENERAL.—This section shall have no  
 12 effect on whether a particular recreational use shall  
 13 be allowed on the land included in a priority list  
 14 under this section.

15 (2) EFFECT OF ALLOWABLE USES ON AGENCY  
 16 CONSIDERATION.—In preparing the priority list  
 17 under subsection (b), the Secretary shall only con-  
 18 sider recreational uses that are allowed on the land  
 19 at the time that the priority list is prepared.

20 **SEC. 8107. FIREARMS AT WATER RESOURCE DEVELOPMENT**  
 21 **PROJECTS.**

22 The Secretary of the Army shall not promulgate or  
 23 enforce any regulation that prohibits an individual from  
 24 possessing a firearm, including an assembled or functional  
 25 firearm, in any area open to the public (other than a Fed-

1 eral facility as defined in section 930(g) or title 18, United  
 2 States Code) at a water resources development project  
 3 covered under section 327.0 of title 36, Code of Federal  
 4 Regulations (as in effect on the date of enactment of this  
 5 Act), if—

6 (1) the individual is not otherwise prohibited  
 7 from possessing the firearm; and

8 (2) the possession of the firearm is in compli-  
 9 ance with the law of the State in which the water  
 10 resources development project is located.

## 11 **Subtitle C—Federal Land** 12 **Transaction Facilitation Act**

### 13 **SEC. 8201. AMENDMENTS TO THE FEDERAL LAND TRANS-** 14 **ACTION FACILITATION ACT.**

15 (a) IN GENERAL.—The Federal Land Transaction  
 16 Facilitation Act (43 U.S.C. 2301 et seq.) is amended—

17 (1) in section 203(2) (43 U.S.C. 2302(2)), in  
 18 the matter preceding subparagraph (A), by striking  
 19 “on the date of enactment of this Act was” and in-  
 20 serting “is”;

21 (2) in section 205 (43 U.S.C. 2304)—

22 (A) in subsection (a), by striking “(as in  
 23 effect on the date of enactment of this Act)”;

24 and

25 (B) by striking subsection (d);

1           (3) in section 206 (43 U.S.C. 2305), by striking  
2 subsection (f); and

3           (4) in section 207(b) (43 U.S.C. 2306(b))—

4               (A) in paragraph (1)—

5                   (i) by striking “96–568” and insert-  
6 ing “96–586”; and

7                   (ii) by striking “or” at the end;

8               (B) in paragraph (2)—

9                   (i) by inserting “Public Law 105–  
10 263;” before “112 Stat.”; and

11                   (ii) by striking the period at the end  
12 and inserting a semicolon; and

13               (C) by adding at the end the following:

14               “(3) the White Pine County Conservation,  
15 Recreation, and Development Act of 2006 (Public  
16 Law 109–432; 120 Stat. 3028);

17               “(4) the Lincoln County Conservation, Recre-  
18 ation, and Development Act of 2004 (Public Law  
19 108–424; 118 Stat. 2403);

20               “(5) subtitle F of title I of the Omnibus Public  
21 Land Management Act of 2009 (Public Law 111–  
22 11; 123 Stat. 1032);

23               “(6) subtitle O of title I of the Omnibus Public  
24 Land Management Act of 2009 (Public Law 111–  
25 11; 123 Stat. 1075);



1 “(7) section 2601 of the Omnibus Public Land  
 2 Management Act of 2009 (Public Law 111–11; 123  
 3 Stat. 1108); or

4 “(8) section 2606 of the Omnibus Public Land  
 5 Management Act of 2009 (Public Law 111–11; 123  
 6 Stat. 1121).”.

7 (b) TRANSFER OF FUNDS TO TREASURY.—Of the  
 8 amounts deposited in the Federal Land Disposal Account  
 9 established by section 206 of the Federal Land Trans-  
 10 action Facilitation Act (43 U.S.C. 2305), there shall be  
 11 transferred to the general fund of the Treasury  
 12 \$1,000,000 for each of fiscal years 2018 through 2027.

## 13 **Subtitle D—Filming on Federal** 14 **Land Management Agency Land**

### 15 **SEC. 8301. COMMERCIAL FILMING.**

16 (a) IN GENERAL.—Section 1 of Public Law 106–206  
 17 (16 U.S.C. 460l–6d) is amended—

18 (1) by redesignating subsections (a) through (f)  
 19 as subsections (b) through (g), respectively;

20 (2) by inserting before subsection (b) (as so re-  
 21 designated) the following:

22 “(a) DEFINITION OF SECRETARY.—The term ‘Sec-  
 23 retary’ means the Secretary of the Interior or the Sec-  
 24 retary of Agriculture, as applicable, with respect to land  
 25 under the respective jurisdiction of the Secretary.”;

1 (3) in subsection (b) (as so redesignated)—

2 (A) in paragraph (1)—

3 (i) in the first sentence—

4 (I) by striking “of the Interior or  
5 the Secretary of Agriculture (here-  
6 after individually referred to as the  
7 ‘Secretary’ with respect to land (ex-  
8 cept land in a System unit as defined  
9 in section 100102 of title 54, United  
10 States Code) under their respective  
11 jurisdictions)”;

12 (II) by striking “or similar  
13 projects”;

14 (ii) in subparagraph (A), by striking  
15 “or similar project”; and

16 (iii) in subparagraph (B), by inserting  
17 “, except in the case of film crews of three  
18 or fewer individuals” before the period at  
19 the end; and

20 (B) by adding at the end the following:

21 “(3) FEE SCHEDULE.—Not later than 180 days  
22 after the date of enactment of the Energy and Nat-  
23 ural Resources Act of 2017, to enhance consistency  
24 in the management of Federal land, the Secretaries

1 shall publish a single joint land use fee schedule for  
 2 commercial filming and still photography.”;

3 (4) in subsection (c) (as so redesignated), in the  
 4 second sentence, by striking “subsection (a)” and in-  
 5 serting “subsection (b)”;

6 (5) in subsection (d) (as so redesignated), in  
 7 the heading, by inserting “Commercial” before  
 8 “Still”;

9 (6) in paragraph (1) of subsection (f) (as so re-  
 10 designated), by inserting “in accordance with the  
 11 Federal Lands Recreation Enhancement Act (16  
 12 U.S.C. 6801 et seq.),” after “without further appro-  
 13 priation,”;

14 (7) in subsection (g) (as so redesignated)—

15 (A) by striking “The Secretary shall” and  
 16 inserting the following:

17 “(1) IN GENERAL.—The Secretary shall”; and

18 (B) by adding at the end the following:

19 “(2) CONSIDERATIONS.—The Secretary shall  
 20 not consider subject matter or content as a criterion  
 21 for issuing or denying a permit under this Act.”;  
 22 and

23 (8) by adding at the end the following:

24 “(h) EXEMPTION FROM COMMERCIAL FILMING OR  
 25 STILL PHOTOGRAPHY PERMITS AND FEES.—The Sec-

1   retary shall not require persons holding commercial use  
2   authorizations or special recreation permits to obtain an  
3   additional permit or pay a fee for commercial filming or  
4   still photography under this Act if the filming or photog-  
5   raphy conducted is—

6           “(1) incidental to the permitted activity that is  
7           the subject of the commercial use authorization or  
8           special recreation permit; and

9           “(2) the holder of the commercial use author-  
10          ization or special recreation permit is an individual  
11          or small business concern (within the meaning of  
12          section 3 of the Small Business Act (15 U.S.C.  
13          632)).

14          “(i) EXCEPTION FROM CERTAIN FEES.—Commercial  
15          filming or commercial still photography shall be exempt  
16          from fees under this Act, but not from recovery of costs  
17          under subsection (c), if the activity—

18               “(1) is conducted by an entity that is a small  
19               business concern (within the meaning of section 3 of  
20               the Small Business Act (15 U.S.C. 632));

21               “(2) is conducted by a crew of not more than  
22               3 individuals; and

23               “(3) uses only a camera and tripod.

24          “(j) APPLICABILITY TO NEWS GATHERING ACTIVI-  
25          TIES.—

1           “(1) IN GENERAL.—News gathering shall not  
2       be considered a commercial activity.

3           “(2) INCLUDED ACTIVITIES.—In this sub-  
4       section, the term ‘news gathering’ includes, at a  
5       minimum, the gathering, recording, and filming of  
6       news and information related to news in any me-  
7       dium.”.

8       (b) CONFORMING AMENDMENTS.—Chapter 1009 of  
9       title 54, United States Code, is amended—

10           (1) by striking section 100905; and

11           (2) in the table of sections for chapter 1009 of  
12       title 54, United States Code, by striking the item re-  
13       lating to section 100905.

## 14       **Subtitle E—Wildlife and Habitat** 15       **Conservation**

### 16       **SEC. 8401. AMENDMENTS TO PITTMAN-ROBERTSON WILD-** 17       **LIFE RESTORATION ACT.**

18       (a) PURPOSE.—The purpose of this section is to fa-  
19       cilitate the construction and expansion of public target  
20       ranges, including ranges on Federal land managed by the  
21       Forest Service and the Bureau of Land Management.

22       (b) DEFINITION OF PUBLIC TARGET RANGE.—In  
23       this section, the term “public target range” means a spe-  
24       cific location that—

- 1           (1) is identified by a governmental agency for  
 2 recreational shooting;  
 3           (2) is open to the public;  
 4           (3) may be supervised; and  
 5           (4) may accommodate archery or rifle, pistol, or  
 6 shotgun shooting.

7       (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-  
 8 LIFE RESTORATION ACT.—

9           (1) DEFINITIONS.—Section 2 of the Pittman-  
 10 Robertson Wildlife Restoration Act (16 U.S.C.  
 11 669a) is amended—

12               (A) by redesignating paragraphs (2)  
 13 through (8) as paragraphs (3) through (9), re-  
 14 spectively; and

15               (B) by inserting after paragraph (1) the  
 16 following:

17               “(2) the term ‘public target range’ means a  
 18 specific location that—

19                       “(A) is identified by a governmental agen-  
 20 cy for recreational shooting;

21                       “(B) is open to the public;

22                       “(C) may be supervised; and

23                       “(D) may accommodate archery or rifle,  
 24 pistol, or shotgun shooting;”.

1           (2) EXPENDITURES FOR MANAGEMENT OF  
2 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of  
3 the Pittman-Robertson Wildlife Restoration Act (16  
4 U.S.C. 669g(b)) is amended—

5           (A) by striking “(b) Each State” and in-  
6 serting the following:

7           “(b) EXPENDITURES FOR MANAGEMENT OF WILD-  
8 LIFE AREAS AND RESOURCES.—

9           “(1) IN GENERAL.—Except as provided in para-  
10 graph (2), each State”;

11           (B) in paragraph (1) (as so designated), by  
12 striking “construction, operation,” and insert-  
13 ing “operation”;

14           (C) in the second sentence, by striking  
15 “The non-Federal share” and inserting the fol-  
16 lowing:

17           “(3) NON-FEDERAL SHARE.—The non-Federal  
18 share”;

19           (D) in the third sentence, by striking “The  
20 Secretary” and inserting the following:

21           “(4) REGULATIONS.—The Secretary”; and

22           (E) by inserting after paragraph (1) (as  
23 designated by subparagraph (A)) the following:

24           “(2) EXCEPTION.—Notwithstanding the limita-  
25 tion described in paragraph (1), a State may pay up

1 to 90 percent of the cost of acquiring land for, ex-  
 2 panding, or constructing a public target range.”.

3 (3) FIREARM AND BOW HUNTER EDUCATION  
 4 AND SAFETY PROGRAM GRANTS.—Section 10 of the  
 5 Pittman-Robertson Wildlife Restoration Act (16  
 6 U.S.C. 669h–1) is amended—

7 (A) in subsection (a), by adding at the end  
 8 the following:

9 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—  
 10 Of the amount apportioned to a State for any fiscal  
 11 year under section 4(b), the State may elect to allo-  
 12 cate not more than 10 percent, to be combined with  
 13 the amount apportioned to the State under para-  
 14 graph (1) for that fiscal year, for acquiring land for,  
 15 expanding, or constructing a public target range.”;

16 (B) by striking subsection (b) and insert-  
 17 ing the following:

18 “(b) COST SHARING.—

19 “(1) IN GENERAL.—Except as provided in para-  
 20 graph (2), the Federal share of the cost of any activ-  
 21 ity carried out using a grant under this section shall  
 22 not exceed 75 percent of the total cost of the activ-  
 23 ity.

24 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR  
 25 EXPANSION.—The Federal share of the cost of ac-



1       quiring land for, expanding, or constructing a public  
 2       target range in a State on Federal or non-Federal  
 3       land pursuant to this section or section 8(b) shall  
 4       not exceed 90 percent of the cost of the activity.”;  
 5       and

6               (C) in subsection (c)(1)—

7                   (i) by striking “Amounts made” and  
 8                   inserting the following:

9               “(A) IN GENERAL.—Except as provided in  
 10              subparagraph (B), amounts made”; and

11              (ii) by adding at the end the fol-  
 12              lowing:

13              “(B) EXCEPTION.—Amounts provided for  
 14              acquiring land for, constructing, or expanding a  
 15              public target range shall remain available for  
 16              expenditure and obligation during the 5-fiscal-  
 17              year period beginning on October 1 of the first  
 18              fiscal year for which the amounts are made  
 19              available.”.

20       (d) SENSE OF CONGRESS REGARDING COOPERA-  
 21       TION.—It is the sense of Congress that, consistent with  
 22       applicable laws (including regulations), the Secretary and  
 23       the Secretary of Agriculture should cooperate with State  
 24       and local authorities and other entities to carry out waste  
 25       removal and other activities on any Federal land used as

1 a public target range to encourage continued use of that  
 2 land for target practice or marksmanship training.

3 **SEC. 8402. WILDLIFE AND HUNTING HERITAGE CONSERVA-**  
 4 **TION COUNCIL ADVISORY COMMITTEE.**

5 The Fish and Wildlife Coordination Act (16 U.S.C.  
 6 661 et seq.) is amended by adding at the end the fol-  
 7 lowing:

8 **“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVA-**  
 9 **TION COUNCIL ADVISORY COMMITTEE.**

10 “(a) ESTABLISHMENT.—There is established the  
 11 Wildlife and Hunting Heritage Conservation Council Advi-  
 12 sory Committee (referred to in this section as the ‘Advi-  
 13 sory Committee’) to advise the Secretary of the Interior  
 14 and the Secretary of Agriculture (referred to in this sec-  
 15 tion as the ‘Secretaries’) on wildlife and habitat conserva-  
 16 tion, hunting, and recreational shooting.

17 “(b) DUTIES OF THE ADVISORY COMMITTEE.—The  
 18 Advisory Committee shall advise the Secretaries regard-  
 19 ing—

20 “(1) implementation of the ‘Recreational Hunt-  
 21 ing and Wildlife Resource Conservation Plan—A  
 22 Ten-Year Plan for Implementation’ and any suc-  
 23 cessor plans, in accordance with Executive Order  
 24 13443 (16 U.S.C. 661 note; relating to facilitation  
 25 of hunting heritage and wildlife conservation);

1           “(2) increasing public awareness of, and sup-  
2           port for, the Wildlife Restoration Program;

3           “(3) fostering wildlife and habitat conservation  
4           and ethics in hunting and shooting sports recreation;

5           “(4) stimulating the participation of sportsmen  
6           and sportswomen in the conservation and manage-  
7           ment of wildlife and habitat resources through out-  
8           reach and education;

9           “(5) fostering communication and coordination  
10          among—

11               “(A) the Federal Government and State  
12               and tribal governments;

13               “(B) industry;

14               “(C) sportsmen and sportswomen who  
15               hunt and shoot;

16               “(D) wildlife and habitat conservation and  
17               management organizations; and

18               “(E) the public;

19           “(6) providing appropriate access to Federal  
20           land for recreational shooting and hunting; and

21           “(7) recommendations to improve implementa-  
22           tion of Federal conservation programs that benefit  
23           wildlife, hunting, and outdoor recreation on private  
24           land.

25          “(c) MEMBERSHIP.—

1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—The Advisory Com-  
3 mittee shall consist of not more than 16 discre-  
4 tionary members and 7 ex officio members.

5 “(B) EX OFFICIO MEMBERS.—The ex offi-  
6 cio members are—

7 “(i) the Director of the United States  
8 Fish and Wildlife Service or a designated  
9 representative of the Director;

10 “(ii) the Director of the Bureau of  
11 Land Management or a designated rep-  
12 resentative of the Director;

13 “(iii) the Director of the National  
14 Park Service or a designated representa-  
15 tive of the Director;

16 “(iv) the Chief of the Forest Service  
17 or a designated representative of the Chief;

18 “(v) the Chief of the Natural Re-  
19 sources Conservation Service or a des-  
20 ignated representative of the Chief;

21 “(vi) the Administrator of the Farm  
22 Service Agency or a designated representa-  
23 tive of the Administrator; and

24 “(vii) the Executive Director of the  
25 Association of Fish and Wildlife Agencies.

1           “(C) DISCRETIONARY MEMBERS.—The dis-  
2           cretionary members shall be appointed jointly  
3           by the Secretaries from at least one of each of  
4           the following:

5                   “(i) State fish and wildlife manage-  
6                   ment agencies.

7                   “(ii) Wildlife and habitat conservation  
8                   management organizations.

9                   “(iii) Game bird hunting organiza-  
10                  tions.

11                  “(iv) Waterfowl hunting organiza-  
12                  tions.

13                  “(v) Big game hunting organizations.

14                  “(vi) The tourism, outfitter, or guid-  
15                  ing industry relating to hunting, fishing,  
16                  and shooting sports.

17                  “(vii) The hunting or shooting equip-  
18                  ment retail industry.

19                  “(viii) Tribal resource management  
20                  organizations.

21                  “(ix) Hunting, shooting, and fishing  
22                  sports outreach and education organiza-  
23                  tions.

1                   “(x) Women’s hunting and fishing ad-  
 2                   vocacy, outreach, or education organiza-  
 3                   tions.

4                   “(xi) Minority hunting and fishing ad-  
 5                   vocacy, outreach, or education organiza-  
 6                   tions.

7                   “(xii) Veterans service organizations.

8                   “(2) TERMS.—

9                   “(A) IN GENERAL.—Except as provided in  
 10                  subparagraph (B), members of the Advisory  
 11                  Committee shall be appointed for a term of 4  
 12                  years. Members shall not be appointed for more  
 13                  than 3 consecutive or nonconsecutive terms.

14                  “(B) TERMS OF INITIAL APPOINTEES.—As  
 15                  designated by the Secretaries at the time of ap-  
 16                  pointment, of the members first appointed—

17                       “(i) 6 members shall be appointed for  
 18                       a term of 4 years;

19                       “(ii) 5 members shall be appointed for  
 20                       a term of 3 years; and

21                       “(iii) 5 members shall be appointed  
 22                       for a term of 2 years.

23                  “(3) PRESERVATION OF PUBLIC ADVISORY STA-  
 24                  TUS.—No individual may be appointed as a discre-  
 25                  tionary member of the Advisory Committee while

1 serving as an officer or employee of the Federal  
2 Government.

3 “(4) VACANCY AND REMOVAL.—

4 “(A) IN GENERAL.—Any vacancy on the  
5 Advisory Committee shall be filled in the man-  
6 ner in which the original appointment was  
7 made.

8 “(B) REMOVAL.—Advisory Committee  
9 members shall serve at the discretion of the  
10 Secretaries and may be removed at any time for  
11 good cause.

12 “(5) CONTINUATION OF SERVICE.—Each ap-  
13 pointed member may continue to serve after the ex-  
14 piration of the term of office to which such member  
15 was appointed until a successor has been appointed.

16 “(6) CHAIRPERSON.—The Chairperson of the  
17 Advisory Committee shall be appointed for a 3-year  
18 term by the Secretaries, jointly, from among the  
19 members of the Advisory Committee. An individual  
20 may not be appointed as Chairperson for more than  
21 2 consecutive or nonconsecutive terms.

22 “(7) COMPENSATION.—Members of the Advi-  
23 sory Committee shall serve without compensation.

24 “(8) TRAVEL EXPENSES.—Members of the Ad-  
25 visory Committee may be allowed travel expenses, in-

1 including per diem in lieu of subsistence, at rates au-  
2 thorized for an employee of an agency under sub-  
3 chapter I of chapter 57 of title 5, United States  
4 Code, while away from the home or regular place of  
5 business of the member in the performance of duties  
6 of the Advisory Committee.

7 “(9) MEETINGS.—

8 “(A) IN GENERAL.—The Advisory Com-  
9 mittee shall meet at the call of the chairperson,  
10 but not less frequently than twice annually.

11 “(B) OPEN MEETINGS.—Each meeting of  
12 the Advisory Committee shall be open to the  
13 public.

14 “(C) PRIOR NOTICE OF MEETINGS.—Time-  
15 ly notice of each meeting of the Advisory Com-  
16 mittee shall be published in the Federal Reg-  
17 ister and be submitted to trade publications and  
18 publications of general circulation.

19 “(D) SUBGROUPS.—The Advisory Com-  
20 mittee may establish such workgroups or sub-  
21 groups as the Advisory Committee deems nec-  
22 essary for the purpose of compiling information  
23 or conducting research.

24 “(10) QUORUM.—A majority of the members of  
25 the Advisory Committee shall constitute a quorum.



1       “(d) EXPENSES, ADMINISTRATIVE SUPPORT, TECH-  
2       NICAL SERVICES, AND ADVICE.—The Secretaries may  
3       provide for expenses, administrative support, technical  
4       services, and advice to the Advisory Committee that the  
5       Secretaries determine to be appropriate.

6       “(e) ANNUAL REPORT.—

7               “(1) REQUIRED.—Not later than September 30  
8       of each year, the Advisory Committee shall submit  
9       a report to the Secretaries, the Committee on Nat-  
10      ural Resources and the Committee on Agriculture of  
11      the House of Representatives, and the Committee on  
12      Energy and Natural Resources and the Committee  
13      on Agriculture, Nutrition, and Forestry of the Sen-  
14      ate.

15              “(2) CONTENTS.—The report required under  
16      paragraph (1) shall describe—

17                      “(A) the activities of the Advisory Com-  
18                      mittee during the preceding year;

19                      “(B) the reports and recommendations  
20                      made by the Advisory Committee to the Secre-  
21                      taries during the preceding year; and

22                      “(C) an accounting of actions taken by the  
23                      Secretaries as a result of the recommendations.

1 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The  
2 Advisory Committee shall be exempt from the Federal Ad-  
3 visory Committee Act (5 U.S.C. App.).”.

4 **SEC. 8403. NORTH AMERICAN WETLANDS CONSERVATION**  
5 **ACT.**

6 (a) CONSERVATION INCENTIVES LANDOWNER EDU-  
7 CATION PROGRAM.—Any acquisition of land (including  
8 any interest in land) under the North American Wetlands  
9 Conservation Act (16 U.S.C. 4401 et seq.) shall be subject  
10 to the notification requirements under section 5104(d).

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 7(c) of the North American Wetlands Conservation Act  
13 (16 U.S.C. 4406(c)) is amended—

14 (1) in paragraph (4), by striking “and”;

15 (2) in paragraph (5), by striking the period at  
16 the end and inserting “; and”; and

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

18 “(6) \$50,000,000 for each of fiscal years 2018  
19 through 2023.”.

20 **SEC. 8404. FISHING TACKLE.**

21 During the period beginning on the date of enactment  
22 of this Act and ending on September 30, 2028, the Admin-  
23 istrator of the Environmental Protection Agency shall not  
24 regulate the use of fishing tackle based on the lead content

1 of the tackle under the Toxic Substances Control Act (15.  
2 U.S.C. 2601 et seq.).

### 3           **Subtitle F—Miscellaneous**

#### 4   **SEC. 8501. RESPECT FOR TREATIES AND RIGHTS.**

5       Nothing in this title or the amendments made by this  
6 title—

7           (1) affects or modifies any treaty or other right  
8       of any federally recognized Indian tribe; or

9           (2) modifies any provision of Federal law relat-  
10      ing to migratory birds or to endangered or threat-  
11      ened species.

#### 12   **SEC. 8502. NO PRIORITY.**

13      Nothing in this title or the amendments made by this  
14 title provides a preference to hunting, fishing, or rec-  
15 reational shooting over any other use of Federal land or  
16 water.

#### 17   **SEC. 8503. STATE AUTHORITY FOR FISH AND WILDLIFE.**

18      Nothing in this title—

19           (1) authorizes the Secretary of Agriculture or  
20      the Secretary to require Federal licenses or permits  
21      to hunt and fish on Federal land; or

22           (2) enlarges or diminishes the responsibility or  
23      authority of States with respect to fish and wildlife  
24      management.

1 **TITLE IX—WATER INFRASTRUC-**  
2 **TURE AND RELATED MAT-**  
3 **TERS**

4 **Subtitle A—Fontenelle Reservoir**

5 **SEC. 9001. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**  
6 **OF FONTENELLE RESERVOIR AVAILABLE**  
7 **FOR USE.**

8 (a) IN GENERAL.—The Secretary, in cooperation  
9 with the State of Wyoming, may amend the Definite Plan  
10 Report for the Seedskadee Project authorized under the  
11 first section of the Act of April 11, 1956 (commonly  
12 known as the “Colorado River Storage Project Act”) (43  
13 U.S.C. 620), to provide for the study, design, planning,  
14 and construction activities that will enable the use of all  
15 active storage capacity (as may be defined or limited by  
16 legal, hydrologic, structural, engineering, economic, and  
17 environmental considerations) of Fontenelle Dam and  
18 Reservoir, including the placement of sufficient riprap on  
19 the upstream face of Fontenelle Dam to allow the active  
20 storage capacity of Fontenelle Reservoir to be used for  
21 those purposes for which the Seedskadee Project was au-  
22 thorized.

23 (b) COOPERATIVE AGREEMENTS.—

24 (1) IN GENERAL.—The Secretary may enter  
25 into any contract, grant, cooperative agreement, or

1 other agreement that is necessary to carry out sub-  
2 section (a).

3 (2) STATE OF WYOMING.—

4 (A) IN GENERAL.—The Secretary shall  
5 enter into a cooperative agreement with the  
6 State of Wyoming to work in cooperation and  
7 collaboratively with the State of Wyoming for  
8 planning, design, related preconstruction activi-  
9 ties, and construction of any modification of the  
10 Fontenelle Dam under subsection (a).

11 (B) REQUIREMENTS.—The cooperative  
12 agreement under subparagraph (A) shall, at a  
13 minimum, specify the responsibilities of the  
14 Secretary and the State of Wyoming with re-  
15 spect to—

16 (i) completing the planning and final  
17 design of the modification of the  
18 Fontenelle Dam under subsection (a);

19 (ii) any environmental and cultural re-  
20 source compliance activities required for  
21 the modification of the Fontenelle Dam  
22 under subsection (a) including compliance  
23 with—

1 (I) the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321  
3 et seq.);

4 (II) the Endangered Species Act  
5 of 1973 (16 U.S.C. 1531 et seq.); and

6 (III) subdivision 2 of division A  
7 of subtitle III of title 54, United  
8 States Code; and

9 (iii) the construction of the modifica-  
10 tion of the Fontenelle Dam under sub-  
11 section (a).

12 (c) FUNDING BY STATE OF WYOMING.—Pursuant to  
13 the 33rd paragraph under the heading “RECLAMATION  
14 SERVICE” in the Act of March 4, 1921 (41 Stat. 1404,  
15 chapter 161; 43 U.S.C. 395), and as a condition of pro-  
16 viding any additional storage under subsection (a), the  
17 State of Wyoming shall provide to the Secretary funds for  
18 any work carried out under subsection (a).

19 (d) OTHER CONTRACTING AUTHORITY.—

20 (1) IN GENERAL.—The Secretary may enter  
21 into contracts with the State of Wyoming, on such  
22 terms and conditions as the Secretary and the State  
23 of Wyoming may agree, for division of any addi-  
24 tional active capacity made available under sub-  
25 section (a).

1           (2) TERMS AND CONDITIONS.—Unless other-  
2       wise agreed to by the Secretary and the State of  
3       Wyoming, a contract entered into under paragraph  
4       (1) shall be subject to the terms and conditions of  
5       Bureau of Reclamation Contract No. 14–06–400–  
6       2474 and Bureau of Reclamation Contract No. 14–  
7       06–400–6193.

8   **SEC. 9002. SAVINGS PROVISIONS.**

9       Unless expressly provided in this subtitle, nothing in  
10     this subtitle modifies, conflicts with, preempts, or other-  
11     wise affects—

12           (1) the Act of December 31, 1928 (43 U.S.C.  
13       617 et seq.) (commonly known as the “Boulder Can-  
14       yon Project Act”);

15           (2) the Colorado River Compact of 1922, as ap-  
16       proved by the Presidential Proclamation of June 25,  
17       1929 (46 Stat. 3000);

18           (3) the Act of July 19, 1940 (43 U.S.C. 618  
19       et seq.) (commonly known as the “Boulder Canyon  
20       Project Adjustment Act”);

21           (4) the Treaty between the United States of  
22       America and Mexico relating to the utilization of  
23       waters of the Colorado and Tijuana Rivers and of  
24       the Rio Grande, and supplementary protocol signed

1 November 14, 1944, signed at Washington February  
2 3, 1944 (59 Stat. 1219);

3 (5) the Upper Colorado River Basin Compact  
4 as consented to by the Act of April 6, 1949 (63  
5 Stat. 31, chapter 48);

6 (6) the Act of April 11, 1956 (commonly known  
7 as the “Colorado River Storage Project Act”) (43  
8 U.S.C. 620 et seq.);

9 (7) the Colorado River Basin Project Act (Pub-  
10 lic Law 90–537; 82 Stat. 885); or

11 (8) any State of Wyoming or other State water  
12 law.

## 13 **Subtitle B—Bureau of Reclamation** 14 **Transparency**

### 15 **SEC. 9101. DEFINITIONS.**

16 In this subtitle:

17 (1) ASSET.—

18 (A) IN GENERAL.—The term “asset”  
19 means any of the following assets that are used  
20 to achieve the mission of the Bureau of Rec-  
21 lamation to manage, develop, and protect water  
22 and related resources in an environmentally and  
23 economically sound manner in the interest of  
24 the people of the United States:



1 (i) Capitalized facilities, buildings,  
2 structures, project features, power produc-  
3 tion equipment, recreation facilities, or  
4 quarters.

5 (ii) Capitalized and noncapitalized  
6 heavy equipment and other installed equip-  
7 ment.

8 (B) INCLUSIONS.—The term “asset” in-  
9 cludes assets described in subparagraph (A)  
10 that are considered to be mission critical.

11 (2) ASSET MANAGEMENT REPORT.—The term  
12 “Asset Management Report” means—

13 (A) the annual plan prepared by the Bu-  
14 reau of Reclamation known as the “Asset Man-  
15 agement Plan”; and

16 (B) any publicly available information re-  
17 lating to the plan described in subparagraph  
18 (A) that summarizes the efforts of the Bureau  
19 of Reclamation to evaluate and manage infra-  
20 structure assets of the Bureau of Reclamation.

21 (3) MAJOR REPAIR AND REHABILITATION  
22 NEED.—The term “major repair and rehabilitation  
23 need” means major nonrecurring maintenance at a  
24 Reclamation facility, including maintenance related  
25 to the safety of dams, extraordinary maintenance of

1 dams, deferred major maintenance activities, and all  
2 other significant repairs and extraordinary maintenance.  
3

4 (4) RECLAMATION FACILITY.—The term “Reclamation facility” means each of the infrastructure  
5 assets that are owned by the Bureau of Reclamation  
6 at a Reclamation project.  
7

8 (5) RECLAMATION PROJECT.—The term “Reclamation project” means a project that is owned by  
9 the Bureau of Reclamation, including all reserved  
10 works and transferred works owned by the Bureau  
11 of Reclamation.  
12

13 (6) RESERVED WORKS.—The term “reserved  
14 works” means buildings, structures, facilities, or  
15 equipment that are owned by the Bureau of Reclamation for which operations and maintenance are  
16 performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of  
17 funding for the operations and maintenance.  
18

19 (7) TRANSFERRED WORKS.—The term “transferred works” means a Reclamation facility at which  
20 operations and maintenance of the facility is carried  
21 out by a non-Federal entity under the provisions of  
22 a formal operations and maintenance transfer con-  
23  
24  
25

1       tract or other legal agreement with the Bureau of  
2       Reclamation.

3   **SEC. 9102. ASSET MANAGEMENT REPORT ENHANCEMENTS**  
4       **FOR RESERVED WORKS.**

5       (a) IN GENERAL.—Not later than 2 years after the  
6       date of enactment of this Act, the Secretary shall submit  
7       to Congress an Asset Management Report that—

8               (1) describes the efforts of the Bureau of Rec-  
9       lamation—

10               (A) to maintain in a reliable manner all re-  
11               served works at Reclamation facilities; and

12               (B) to standardize and streamline data re-  
13               porting and processes across regions and areas  
14               for the purpose of maintaining reserved works  
15               at Reclamation facilities; and

16               (2) expands on the information otherwise pro-  
17               vided in an Asset Management Report, in accord-  
18               ance with subsection (b).

19       (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-  
20       SESSMENT.—

21               (1) IN GENERAL.—The Asset Management Re-  
22               port submitted under subsection (a) shall include—

23               (A) a detailed assessment of major repair  
24               and rehabilitation needs for all reserved works  
25               at all Reclamation projects; and

1 (B) to the extent practicable, an itemized  
2 list of major repair and rehabilitation needs of  
3 individual Reclamation facilities at each Rec-  
4 lamation project.

5 (2) INCLUSIONS.—To the extent practicable,  
6 the itemized list of major repair and rehabilitation  
7 needs under paragraph (1)(B) shall include—

8 (A) a budget level cost estimate of the ap-  
9 propriations needed to complete each item; and

10 (B) an assignment of a categorical rating  
11 for each item, consistent with paragraph (3).

12 (3) RATING REQUIREMENTS.—

13 (A) IN GENERAL.—The system for assign-  
14 ing ratings under paragraph (2)(B) shall be—

15 (i) consistent with existing uniform  
16 categorization systems to inform the an-  
17 nual budget process and agency require-  
18 ments; and

19 (ii) subject to the guidance and in-  
20 structions issued under subparagraph (B).

21 (B) GUIDANCE.—As soon as practicable  
22 after the date of enactment of this Act, the Sec-  
23 retary shall issue guidance that describes the  
24 applicability of the rating system applicable

1 under paragraph (2)(B) to Reclamation facili-  
2 ties.

3 (4) PUBLIC AVAILABILITY.—Except as provided  
4 in paragraph (5), the Secretary shall make publicly  
5 available, including on the Internet, the Asset Man-  
6 agement Report required under subsection (a).

7 (5) CONFIDENTIALITY.—The Secretary may ex-  
8 clude from the public version of the Asset Manage-  
9 ment Report made available under paragraph (4)  
10 any information that the Secretary identifies as sen-  
11 sitive or classified, but shall make available to the  
12 Committee on Energy and Natural Resources of the  
13 Senate and the Committee on Natural Resources of  
14 the House of Representatives a version of the report  
15 containing the sensitive or classified information.

16 (c) UPDATES.—Not later than 2 years after the date  
17 on which the Asset Management Report is submitted  
18 under subsection (a) and biennially thereafter, the Sec-  
19 retary shall update the Asset Management Report, subject  
20 to the requirements of section 9103(b)(2).

21 (d) CONSULTATION.—To the extent that such con-  
22 sultation would assist the Secretary in preparing the Asset  
23 Management Report under subsection (a) and updates to  
24 the Asset Management Report under subsection (c), the  
25 Secretary shall consult with—

1 (1) the Secretary of the Army (acting through  
2 the Chief of Engineers); and

3 (2) water and power contractors.

4 **SEC. 9103. ASSET MANAGEMENT REPORT ENHANCEMENTS**  
5 **FOR TRANSFERRED WORKS.**

6 (a) IN GENERAL.—The Secretary shall coordinate  
7 with the non-Federal entities responsible for the operation  
8 and maintenance of transferred works in developing re-  
9 porting requirements for Asset Management Reports with  
10 respect to major repair and rehabilitation needs for trans-  
11 ferred works that are similar to the reporting require-  
12 ments described in section 9102(b).

13 (b) GUIDANCE.—

14 (1) IN GENERAL.—After considering input from  
15 water and power contractors of the Bureau of Rec-  
16 lamation, the Secretary shall develop and implement  
17 a rating system for transferred works that incor-  
18 porates, to the maximum extent practicable, the rat-  
19 ing system for major repair and rehabilitation needs  
20 for reserved works developed under section  
21 9102(b)(3).

22 (2) UPDATES.—The ratings system developed  
23 under paragraph (1) shall be included in the up-  
24 dated Asset Management Reports under section  
25 9102(c).

1 **SEC. 9104. OFFSET.**

2       Notwithstanding any other provision of law, in the  
3 case of the project authorized by section 1617 of the Rec-  
4 lamation Projects Authorization and Adjustment Act of  
5 1992 (43 U.S.C. 390h–12c), the maximum amount of the  
6 Federal share of the cost of the project under section  
7 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-  
8 wise available as of the date of enactment of this Act shall  
9 be reduced by \$2,000,000.

10       **Subtitle C—Yakima River Basin**  
11               **Water Enhancement**

12 **SEC. 9201. SHORT TITLE.**

13       This subtitle may be cited as the “Yakima River  
14 Basin Water Enhancement Project Phase III Act of  
15 2017”.

16 **SEC. 9202. MODIFICATION OF TERMS, PURPOSES, AND**  
17               **DEFINITIONS.**

18       (a) MODIFICATION OF TERMS.—Title XII of Public  
19 Law 103–434 (108 Stat. 4550) is amended—

20               (1) by striking “Yakama Indian” each place it  
21 appears (except section 1204(g)) and inserting  
22 “Yakama”; and

23               (2) by striking “Superintendent” each place it  
24 appears and inserting “Manager”.

25       (b) MODIFICATION OF PURPOSES.—Section 1201 of  
26 Public Law 103–434 (108 Stat. 4550) is amended—

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

3           “(1) to protect, mitigate, and enhance fish and  
4 wildlife and the recovery and maintenance of self-  
5 sustaining harvestable populations of fish and other  
6 aquatic life, both anadromous and resident species,  
7 throughout their historic distribution range in the  
8 Yakima Basin through—

9           “(A) improved water management and the  
10 constructions of fish passage at storage and di-  
11 version dams, as authorized under the Hoover  
12 Power Plant Act of 1984 (43 U.S.C. 619 et  
13 seq.);

14           “(B) improved instream flows and water  
15 supplies;

16           “(C) improved water quality, watershed,  
17 and ecosystem function;

18           “(D) protection, creation, and enhance-  
19 ment of wetlands; and

20           “(E) other appropriate means of habitat  
21 improvement;”;

22           (2) in paragraph (2), by inserting “, municipal,  
23 industrial, and domestic water supply and use pur-  
24 poses, especially during drought years, including re-  
25 ducing the frequency and severity of water supply



1 shortages for pro-ratable irrigation entities” before  
2 the semicolon at the end;

3 (3) by striking paragraph (4);

4 (4) by redesignating paragraph (3) as para-  
5 graph (4);

6 (5) by inserting after paragraph (2) the fol-  
7 lowing:

8 “(3) to authorize the Secretary to make water  
9 available for purchase or lease for meeting munic-  
10 ipal, industrial, and domestic water supply pur-  
11 poses;”;

12 (6) by redesignating paragraphs (5) and (6) as  
13 paragraphs (6) and (8), respectively;

14 (7) by inserting after paragraph (4) (as so re-  
15 designated) the following:

16 “(5) to realize sufficient water savings from im-  
17 plementing the Yakima River Basin Integrated  
18 Water Resource Management Plan, so that not less  
19 than 85,000 acre feet of water savings are achieved  
20 by implementing the first phase of the Integrated  
21 Plan pursuant to section 1213(a), in addition to the  
22 165,000 acre feet of water savings targeted through  
23 the Basin Conservation Program, as authorized on  
24 October 31, 1994;”;

25 (8) in paragraph (6) (as so redesignated)—

1 (A) by inserting “an increase in” before  
2 “voluntary”; and

3 (B) by striking “and” at the end;

4 (9) by inserting after paragraph (6) (as so re-  
5 designated) the following:

6 “(7) to encourage an increase in the use of, and  
7 reduce the barriers to, water transfers, leasing, mar-  
8 kets, and other voluntary transactions among public  
9 and private entities to enhance water management  
10 in the Yakima River basin;”;

11 (10) in paragraph (8) (as redesignated by para-  
12 graph (6)), by striking the period at the end and in-  
13 serting a semicolon; and

14 (11) by adding at the end the following:

15 “(9) to improve the resilience of the ecosystems,  
16 economies, and communities in the Basin as they  
17 face drought, hydrologic changes, and other related  
18 changes and variability in natural and human sys-  
19 tems, for the benefit of both the people and the fish  
20 and wildlife of the region; and

21 “(10) to authorize and implement the Yakima  
22 River Basin Integrated Water Resource Manage-  
23 ment Plan as Phase III of the Yakima River Basin  
24 Water Enhancement Project, as a balanced and

1 cost-effective approach to maximize benefits to the  
2 communities and environment in the Basin.”.

3 (c) MODIFICATION OF DEFINITIONS.—Section 1202  
4 of Public Law 103–434 (108 Stat. 4550) is amended—

5 (1) by redesignating paragraphs (6), (7), (8),  
6 (9), (10), (11), (12), (13), and (14) as paragraphs  
7 (8), (10), (11), (13), (14), (15), (16), (18), and  
8 (19), respectively;

9 (2) by inserting after paragraph (5) the fol-  
10 lowing:

11 “(6) DESIGNATED FEDERAL OFFICIAL.—The  
12 term ‘designated Federal official’ means the Com-  
13 missioner of Reclamation (or a designee), acting  
14 pursuant to the charter of the Conservation Advisory  
15 Group.

16 “(7) INTEGRATED PLAN.—The terms ‘Inte-  
17 grated Plan’ and ‘Yakima River Basin Integrated  
18 Water Resource Plan’ mean the plan and activities  
19 authorized by the Yakima River Basin Water En-  
20 hancement Project Phase III Act of 2017 and the  
21 amendments made by that subtitle, to be carried out  
22 in cooperation with and in addition to activities of  
23 the State of Washington and Yakama Nation.”;

24 (3) by inserting after paragraph (8) (as redesign-  
25 nated by paragraph (1)) the following:

1           “(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC  
2 WATER SUPPLY AND USE.—The term ‘municipal, in-  
3 dustrial, and domestic water supply and use’ means  
4 the supply and use of water for—

5           “(A) domestic consumption (whether urban  
6 or rural);

7           “(B) maintenance and protection of public  
8 health and safety;

9           “(C) manufacture, fabrication, processing,  
10 assembly, or other production of a good or com-  
11 modity;

12           “(D) production of energy;

13           “(E) fish hatcheries; or

14           “(F) water conservation activities relating  
15 to a use described in subparagraphs (A)  
16 through (E).”;

17           (4) by inserting after paragraph (11) (as redes-  
18 igned by paragraph (1)) the following:

19           “(12) PRORATABLE IRRIGATION ENTITY.—The  
20 term ‘proratable irrigation entity’ means a district,  
21 project, or State-recognized authority, board of con-  
22 trol, agency, or entity located in the Yakima River  
23 basin that—

24           “(A) manages and delivers irrigation water  
25 to farms in the basin; and

1 “(B) possesses, or the members of which  
 2 possess, water rights that are proratable during  
 3 periods of water shortage.”; and

4 (5) by inserting after paragraph (16) (as reded-  
 5 icated by paragraph (1)) the following:

6 “(17) YAKIMA ENHANCEMENT PROJECT; YAK-  
 7 IMA RIVER BASIN WATER ENHANCEMENT  
 8 PROJECT.—The terms ‘Yakima Enhancement  
 9 Project’ and ‘Yakima River Basin Water Enhance-  
 10 ment Project’ mean the Yakima River basin water  
 11 enhancement project authorized by Congress pursu-  
 12 ant to this Act and other Acts (including Public Law  
 13 96–162 (93 Stat. 1241), section 109 of Public Law  
 14 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Pub-  
 15 lic Law 105–62 (111 Stat. 1320), and Public Law  
 16 106–372 (114 Stat. 1425)) to promote water con-  
 17 servation, water supply, habitat, and stream en-  
 18 hancement improvements in the Yakima River  
 19 basin.”.

20 **SEC. 9203. YAKIMA RIVER BASIN WATER CONSERVATION**  
 21 **PROGRAM.**

22 Section 1203 of Public Law 103–434 (108 Stat.  
 23 4551) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in the second sentence, by striking  
2 “title” and inserting “section”; and

3 (ii) in the third sentence, by striking  
4 “within 5 years of the date of enactment  
5 of this Act”; and

6 (B) in paragraph (2), by striking “irriga-  
7 tion” and inserting “the number of irrigated  
8 acres”;

9 (2) in subsection (c)—

10 (A) in paragraph (2)—

11 (i) in each of subparagraphs (A)  
12 through (D), by striking the comma at the  
13 end and inserting a semicolon;

14 (ii) in subparagraph (E), by striking  
15 the comma at the end and inserting “;  
16 and”;

17 (iii) in subparagraph (F), by striking  
18 “Department of Wildlife of the State of  
19 Washington, and” and inserting “Depart-  
20 ment of Fish and Wildlife of the State of  
21 Washington.”; and

22 (iv) by striking subparagraph (G);

23 (B) in paragraph (3)—

1 (i) in each of subparagraphs (A)  
 2 through (C), by striking the comma at the  
 3 end and inserting a semicolon;

4 (ii) in subparagraph (D), by striking  
 5 “, and” and inserting a semicolon;

6 (iii) in subparagraph (E), by striking  
 7 the period at the end and inserting “;  
 8 and”; and

9 (iv) by adding at the end the fol-  
 10 lowing:

11 “(F) provide recommendations to advance  
 12 the purposes and programs of the Yakima En-  
 13 hancement Project, including the Integrated  
 14 Plan.”; and

15 (C) by striking paragraph (4) and insert-  
 16 ing the following:

17 “(4) AUTHORITY OF DESIGNATED FEDERAL OF-  
 18 FICIAL.—The designated Federal official may—

19 “(A) arrange and provide logistical support  
 20 for meetings of the Conservation Advisory  
 21 Group;

22 “(B) use a facilitator to serve as a moder-  
 23 ator for meetings of the Conservation Advisory  
 24 Group or provide additional logistical support;  
 25 and

1           “(C) grant any request for a facilitator by  
2           any member of the Conservation Advisory  
3           Group.”;

4           (3) in subsection (d), by adding at the end the  
5           following:

6           “(4) PAYMENT OF LOCAL SHARE BY STATE OR  
7           FEDERAL GOVERNMENT.—

8           “(A) IN GENERAL.—The State or the Fed-  
9           eral Government may fund not more than the  
10          17.5 percent local share of the costs of the  
11          Basin Conservation Program in exchange for  
12          the long-term use of conserved water, subject to  
13          the requirement that the funding by the Fed-  
14          eral Government of the local share of the costs  
15          shall provide a quantifiable public benefit in  
16          meeting Federal responsibilities in the Basin  
17          and the purposes of this title.

18          “(B) USE OF CONSERVED WATER.—The  
19          Yakima Project Manager may use water result-  
20          ing from conservation measures taken under  
21          this title, in addition to water that the Bureau  
22          of Reclamation may acquire from any willing  
23          seller through purchase, donation, or lease, for  
24          water management uses pursuant to this title.”;



1           (4) in subsection (e), by striking the first sen-  
2           tence and inserting the following: “To participate in  
3           the Basin Conservation Program, as described in  
4           subsection (b), an entity shall submit to the Sec-  
5           retary a proposed water conservation plan.”;

6           (5) in subsection (i)(3)—

7                 (A) by striking “purchase or lease” each  
8                 place it appears and inserting “purchase, lease,  
9                 or management”; and

10                (B) in the third sentence, by striking  
11                “made immediately upon availability” and all  
12                that follows through “Committee” and inserting  
13                “continued as needed to provide water to be  
14                used by the Yakima Project Manager as rec-  
15                ommended by the System Operations Advisory  
16                Committee and the Conservation Advisory  
17                Group”; and

18           (6) in subsection (j)(4), in the first sentence, by  
19           striking “initial acquisition” and all that follows  
20           through “flushing flows” and inserting “acquisition  
21           of water from willing sellers or lessors specifically to  
22           provide improved instream flows for anadromous  
23           and resident fish and other aquatic life, including  
24           pulse flows to facilitate outward migration of anad-  
25           romous fish”.

1 **SEC. 9204. YAKIMA BASIN WATER PROJECTS, OPERATIONS,**  
2 **AND AUTHORIZATIONS.**

3 (a) YAKAMA NATION PROJECTS.—Section 1204 of  
4 Public Law 103–434 (108 Stat. 4555) is amended—

5 (1) in subsection (a)(2), in the first sentence,  
6 by striking “not more than \$23,000,000” and in-  
7 serting “not more than \$100,000,000”; and

8 (2) in subsection (g)—

9 (A) by striking the subsection heading and  
10 inserting “REDESIGNATION OF YAKAMA INDIAN  
11 NATION TO YAKAMA NATION.—”;

12 (B) by striking paragraph (1) and insert-  
13 ing the following:

14 “(1) REDESIGNATION.—The Confederated  
15 Tribes and Bands of the Yakama Indian Nation  
16 shall be known and designated as the ‘Confederated  
17 Tribes and Bands of the Yakama Nation’.”; and

18 (C) in paragraph (2), by striking “deemed  
19 to be a reference to the ‘Confederated Tribes  
20 and Bands of the Yakama Indian Nation’.” and  
21 inserting “deemed to be a reference to the  
22 ‘Confederated Tribes and Bands of the Yakama  
23 Nation’.”.

24 (b) OPERATION OF YAKIMA BASIN PROJECTS.—Sec-  
25 tion 1205 of Public Law 103–434 (108 Stat. 4557) is  
26 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (4)—

3 (i) in subparagraph (A)—

4 (I) in clause (i)—

5 (aa) by inserting “addi-  
6 tional” after “secure”;

7 (bb) by striking “flushing”  
8 and inserting “pulse”; and

9 (cc) by striking “uses” and  
10 inserting “uses, in addition to the  
11 quantity of water provided under  
12 the treaty between the Yakama  
13 Nation and the United States”;

14 (II) by striking clause (ii);

15 (III) by redesignating clause (iii)  
16 as clause (ii); and

17 (IV) in clause (ii) (as so redesign-  
18 nated) by inserting “and water rights  
19 mandated” after “goals”; and

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

23 (2) in subsection (b) (as amended by section  
24 9202(a)(2)), in the second sentence, by striking  
25 “instream flows for use by the Yakima Project Man-

1       ager as flushing flows or as otherwise” and inserting  
 2       “fishery purposes, as”; and

3           (3) in subsection (e), by striking paragraph (1)  
 4       and inserting the following:

5           “(1) IN GENERAL.—Additional purposes of the  
 6       Yakima Project shall be any of the following:

7           “(A) To recover and maintain self-sus-  
 8       taining harvestable populations of native fish,  
 9       both anadromous and resident species, through-  
 10      out their historic distribution range in the Yak-  
 11      ima Basin.

12          “(B) To protect, mitigate, and enhance  
 13      aquatic life and wildlife.

14          “(C) Recreation.

15          “(D) Municipal, industrial, and domestic  
 16      use.”.

17       (c) LAKE CLE ELUM AUTHORIZATION OF APPRO-  
 18      PRIATIONS.—Section 1206(a)(1) of Public Law 103–434  
 19      (108 Stat. 4560), is amended, in the matter preceding  
 20      subparagraph (A), by striking “at September” and all that  
 21      follows through “to—” and inserting “not more than  
 22      \$12,000,000 to—”.

23       (d) ENHANCEMENT OF WATER SUPPLIES FOR YAK-  
 24      IMA BASIN TRIBUTARIES.—Section 1207 of Public Law  
 25      103–434 (108 Stat. 4560) is amended—

1 (1) in the heading, by striking “**SUPPLIES**”  
 2 and inserting “**MANAGEMENT**”;

3 (2) in subsection (a)—

4 (A) in the matter preceding paragraph (1),  
 5 by striking “supplies” and inserting “manage-  
 6 ment”;

7 (B) in paragraph (1), by inserting “and  
 8 water supply entities” after “owners”; and

9 (C) in paragraph (2)—

10 (i) in subparagraph (A), by inserting  
 11 “that choose not to participate or opt out  
 12 of tributary enhancement projects pursu-  
 13 ant to this section” after “water right own-  
 14 ers”; and

15 (ii) in subparagraph (B), by inserting  
 16 “nonparticipating” before “tributary water  
 17 users”;

18 (3) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking the paragraph designa-  
 21 tion and all that follows through “(but not  
 22 limited to)—” and inserting the following:

23 “(1) IN GENERAL.—The Secretary, following  
 24 consultation with the State of Washington, tributary  
 25 water right owners, and the Yakama Nation, and on

1 agreement of appropriate water right owners, is au-  
 2 thorized to conduct studies to evaluate measures to  
 3 further Yakima Project purposes on tributaries to  
 4 the Yakima River. Enhancement programs that use  
 5 measures authorized by this subsection may be in-  
 6 vestigated and implemented by the Secretary in trib-  
 7 utaries to the Yakima River, including Taneum  
 8 Creek, other areas, or tributary basins that currently  
 9 or could potentially be provided supplemental or  
 10 transfer water by entities, such as the Kittitas Rec-  
 11 lamation District or the Yakima-Tieton Irrigation  
 12 District, subject to the condition that activities may  
 13 commence on completion of applicable and required  
 14 feasibility studies, environmental reviews, and cost-  
 15 benefit analyses that include favorable recommenda-  
 16 tions for further project development, as appro-  
 17 priate. Measures to evaluate include—”;

18 (ii) by indenting subparagraphs (A)  
 19 through (F) appropriately;

20 (iii) in subparagraph (A), by inserting  
 21 before the semicolon at the end the fol-  
 22 lowing: “, including irrigation efficiency  
 23 improvements (in coordination with pro-  
 24 grams of the Department of Agriculture),  
 25 consolidation of diversions or administra-

1           tion, and diversion scheduling or coordina-  
2           tion”;

3           (iv) by redesignating subparagraphs  
4           (C) through (F) as subparagraphs (E)  
5           through (H), respectively;

6           (v) by inserting after subparagraph  
7           (B) the following:

8           “(C) improvements in irrigation system  
9           management or delivery facilities within the  
10          Yakima River basin when those improvements  
11          allow for increased irrigation system conveyance  
12          and corresponding reduction in diversion from  
13          tributaries or flow enhancements to tributaries  
14          through direct flow supplementation or ground-  
15          water recharge;

16          “(D) improvements of irrigation system  
17          management or delivery facilities to reduce or  
18          eliminate excessively high flows caused by the  
19          use of natural streams for conveyance or irriga-  
20          tion water or return water;”;

21          (vi) in subparagraph (E) (as redesign-  
22          ated by clause (iv)), by striking “ground  
23          water” and inserting “groundwater re-  
24          charge and”;

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting “or transfer” after “purchase”; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting “stream processes and” before “stream habitats”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “the Taneum Creek study” and inserting “studies under this subsection”;

(ii) in subparagraph (B)—

(I) by striking “and economic” and inserting “, infrastructure, economic, and land use”; and

(II) by striking “and” at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) any related studies already underway or undertaken.”; and



1 (C) in paragraph (3), in the first sentence,  
 2 by inserting “of each tributary or group of trib-  
 3 utaries” after “study”;

4 (4) in subsection (c)—

5 (A) in the heading, by inserting “**AND**  
 6 **NONSURFACE STORAGE**” after “**NONSTOR-**  
 7 **AGE**”; and

8 (B) in the matter preceding paragraph (1),  
 9 by inserting “and nonsurface storage” after  
 10 “nonstorage”;

11 (5) by striking subsection (d);

12 (6) by redesignating subsection (e) as sub-  
 13 section (d); and

14 (7) in paragraph (2) of subsection (d) (as so re-  
 15 designated)—

16 (A) in the first sentence—

17 (i) by inserting “and implementation”  
 18 after “investigation”;

19 (ii) by striking “other” before “Yak-  
 20 ima River”; and

21 (iii) by inserting “and other water  
 22 supply entities” after “owners”; and

23 (B) by striking the second sentence.

24 (e) CHANDLER PUMPING PLANT AND POWERPLANT-  
 25 OPERATIONS AT PROSSER DIVERSION DAM.—Section

1 1208(d) of Public Law 103–434 (108 Stat. 4562; 114  
 2 Stat. 1425) is amended by inserting “negatively” before  
 3 “affected”.

4 (f) INTERIM COMPREHENSIVE BASIN OPERATING  
 5 PLAN.—Section 1210(c) of Public Law 103–434 (108  
 6 Stat. 4564) is amended by striking “\$100,000” and in-  
 7 serting “\$200,000”.

8 (g) ENVIRONMENTAL COMPLIANCE.—Section 1211  
 9 of Public Law 103–434 (108 Stat. 4564) is amended by  
 10 striking “\$2,000,000” and inserting “\$5,000,000”.

11 **SEC. 9205. AUTHORIZATION OF PHASE III OF YAKIMA RIVER**  
 12 **BASIN WATER ENHANCEMENT PROJECT.**

13 Title XII of Public Law 103–434 (108 Stat. 4550)  
 14 is amended by adding at the end the following:

15 **“SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS**  
 16 **PHASE III OF YAKIMA RIVER BASIN WATER**  
 17 **ENHANCEMENT PROJECT.**

18 “(a) INTEGRATED PLAN.—

19 “(1) IN GENERAL.—The Secretary shall imple-  
 20 ment the Integrated Plan as Phase III of the Yak-  
 21 ima River Basin Water Enhancement Project in ac-  
 22 cordance with this section and applicable laws.

23 “(2) INITIAL DEVELOPMENT PHASE OF THE IN-  
 24 TEGRATED PLAN.—

1           “(A) IN GENERAL.—The Secretary, in co-  
2           ordination with the State of Washington and  
3           Yakama Nation and subject to feasibility stud-  
4           ies, environmental reviews, and the availability  
5           of appropriations, shall implement an initial de-  
6           velopment phase of the Integrated Plan, to—

7                   “(i) complete the planning, design,  
8                   and construction or development of up-  
9                   stream and downstream fish passage facili-  
10                  ties, as previously authorized by the Hoo-  
11                  ver Power Plant Act of 1984 (43 U.S.C.  
12                  619 et seq.) at Cle Elum Reservoir and an-  
13                  other Yakima Project reservoir identified  
14                  by the Secretary as consistent with the In-  
15                  tegrated Plan, subject to the condition  
16                  that, if the Yakima Project reservoir iden-  
17                  tified by the Secretary contains a hydro-  
18                  power project licensed by the Federal En-  
19                  ergy Regulatory Commission, the Secretary  
20                  shall cooperate with the Federal Energy  
21                  Regulatory Commission in a timely manner  
22                  to ensure that actions taken by the Sec-  
23                  retary are consistent with the applicable  
24                  hydropower project license;

1           “(ii) negotiate long-term agreements  
2           with participating proratable irrigation en-  
3           tities in the Yakima Basin and, acting  
4           through the Bureau of Reclamation, co-  
5           ordinate between Bureaus of the Depart-  
6           ment of the Interior and with the heads of  
7           other Federal agencies to negotiate agree-  
8           ments concerning leases, easements, and  
9           rights-of-way on Federal land, and other  
10          terms and conditions determined to be nec-  
11          essary to allow for the non-Federal financ-  
12          ing, construction, operation, and mainte-  
13          nance of—

14               “(I) new facilities needed to ac-  
15               cess and deliver inactive storage in  
16               Lake Kachess for the purpose of pro-  
17               viding drought relief for irrigation  
18               (known as the ‘Kachess Drought Re-  
19               lief Pumping Plant’); and

20               “(II) a conveyance system to  
21               allow transfer of water between  
22               Keechelus Reservoir to Kachess Res-  
23               ervoir for purposes of improving oper-  
24               ational flexibility for the benefit of

1 both fish and irrigation (known as the  
2 ‘K to K Pipeline’);

3 “(iii) participate in, provide funding  
4 for, and accept non-Federal financing  
5 for—

6 “(I) water conservation projects,  
7 not subject to the provisions of the  
8 Basin Conservation Program de-  
9 scribed in section 1203, that are in-  
10 tended to partially implement the In-  
11 tegrated Plan by providing 85,000  
12 acre-feet of conserved water to im-  
13 prove tributary and mainstem stream  
14 flow; and

15 “(II) aquifer storage and recov-  
16 ery projects;

17 “(iv) study, evaluate, and conduct fea-  
18 sibility analyses and environmental reviews  
19 of fish passage, water supply (including  
20 groundwater and surface water storage),  
21 conservation, habitat restoration projects,  
22 and other alternatives identified as con-  
23 sistent with the purposes of this Act, for  
24 the initial and future phases of the Inte-  
25 grated Plan;

1           “(v) coordinate with and assist the  
2           State of Washington in implementing a ro-  
3           bust water market to enhance water man-  
4           agement in the Yakima River basin, in-  
5           cluding—

6                   “(I) assisting in identifying ways  
7                   to encourage and increase the use of,  
8                   and reduce the barriers to, water  
9                   transfers, leasing, markets, and other  
10                  voluntary transactions among public  
11                  and private entities in the Yakima  
12                  River basin;

13                  “(II) providing technical assist-  
14                  ance, including scientific data and  
15                  market information; and

16                  “(III) negotiating agreements  
17                  that would facilitate voluntary water  
18                  transfers between entities, including  
19                  as appropriate, the use of federally  
20                  managed infrastructure; and

21                  “(vi) enter into cooperative agree-  
22                  ments with, or, subject to a minimum non-  
23                  Federal cost-sharing requirement of 50  
24                  percent, make grants to, the Yakama Na-  
25                  tion, the State of Washington, Yakima

1 River basin irrigation districts, water dis-  
2 tricts, conservation districts, other local  
3 governmental entities, nonprofit organiza-  
4 tions, and land owners to carry out this  
5 title under such terms and conditions as  
6 the Secretary may require, including the  
7 following purposes:

8 “(I) Land and water transfers,  
9 leases, and acquisitions from willing  
10 participants, so long as the acquiring  
11 entity shall hold title and be respon-  
12 sible for any and all required oper-  
13 ations, maintenance, and management  
14 of that land and water.

15 “(II) To combine or relocate di-  
16 version points, remove fish barriers,  
17 or for other activities that increase  
18 flows or improve habitat in the Yak-  
19 ima River and its tributaries in fur-  
20 therance of this title.

21 “(III) To implement, in partner-  
22 ship with Federal and non-Federal en-  
23 tities, projects to enhance the health  
24 and resilience of the watershed.

1           “(B) COMMENCEMENT DATE.—The Sec-  
2           retary shall commence implementation of the  
3           activities included under the initial development  
4           phase pursuant to this paragraph—

5                   “(i) on the date of enactment of this  
6                   section; and

7                   “(ii) on completion of applicable feasi-  
8                   bility studies, environmental reviews, and  
9                   cost-benefit analyses that include favorable  
10                  recommendations for further project devel-  
11                  opment.

12          “(3) INTERMEDIATE AND FINAL PHASES.—

13               “(A) IN GENERAL.—The Secretary, in co-  
14               ordination with the State of Washington and in  
15               consultation with the Yakama Nation, shall de-  
16               velop plans for intermediate and final develop-  
17               ment phases of the Integrated Plan to achieve  
18               the purposes of this Act, including conducting  
19               applicable feasibility studies, environmental re-  
20               views, and other relevant studies needed to de-  
21               velop the plans.

22               “(B) INTERMEDIATE PHASE.—The Sec-  
23               retary shall develop an intermediate develop-  
24               ment phase to implement the Integrated Plan  
25               that, subject to authorization and appropria-



tion, would commence not later than 10 years after the date of enactment of this section.

“(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

“(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

“(A) subject to authorization and appropriation;

“(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

“(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

“(D) in compliance with all applicable laws, including the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
2 and the Endangered Species Act of 1973 (16  
3 U.S.C. 1531 et seq.).

4 “(5) PROGRESS REPORT.—

5 “(A) IN GENERAL.—Not later than 5 years  
6 after the date of enactment of this section, the  
7 Secretary, in conjunction with the State of  
8 Washington and in consultation with the  
9 Yakama Nation, shall submit to the Committee  
10 on Energy and Natural Resources of the Senate  
11 and the Committee on Natural Resources of the  
12 House of Representatives a progress report on  
13 the development and implementation of the In-  
14 tegrated Plan.

15 “(B) REQUIREMENTS.—The progress re-  
16 port under this paragraph shall—

17 “(i) provide a review and reassess-  
18 ment, if needed, of the objectives of the In-  
19 tegrated Plan, as applied to all elements of  
20 the Integrated Plan;

21 “(ii) assess, through performance  
22 metrics developed at the initiation of, and  
23 measured throughout the implementation  
24 of, the Integrated Plan, the degree to  
25 which the implementation of the initial de-

1 development phase addresses the objectives  
2 and all elements of the Integrated Plan;

3 “(iii) identify the amount of Federal  
4 funding and non-Federal contributions re-  
5 ceived and expended during the period cov-  
6 ered by the report;

7 “(iv) describe the pace of project de-  
8 velopment during the period covered by the  
9 report;

10 “(v) identify additional projects and  
11 activities proposed for inclusion in any fu-  
12 ture phase of the Integrated Plan to ad-  
13 dress the objectives of the Integrated Plan,  
14 as applied to all elements of the Integrated  
15 Plan; and

16 “(vi) for water supply projects—

17 “(I) provide a preliminary discus-  
18 sion of the means by which—

19 “(aa) water and costs asso-  
20 ciated with each recommended  
21 project would be allocated among  
22 authorized uses; and

23 “(bb) those allocations  
24 would be consistent with the ob-

1                   jectives of the Integrated Plan;  
2                   and

3                   “(II) establish a plan for solici-  
4                   iting and formalizing subscriptions  
5                   among individuals and entities for  
6                   participation in any of the rec-  
7                   ommended water supply projects that  
8                   will establish the terms for participa-  
9                   tion, including fiscal obligations asso-  
10                  ciated with subscription.

11               “(b) FINANCING, CONSTRUCTION, OPERATION, AND  
12 MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING  
13 PLANT AND K TO K PIPELINE.—

14               “(1) AGREEMENTS.—Long-term agreements ne-  
15               gotiated between the Secretary and participating  
16               proratable irrigation entities in the Yakima Basin  
17               for the non-Federal financing, construction, oper-  
18               ation, and maintenance of the Drought Relief Pump-  
19               ing Plant and K to K Pipeline shall include provi-  
20               sions regarding—

21               “(A) responsibilities of the participating  
22               proratable irrigation entities for the planning,  
23               design, and construction of infrastructure in  
24               consultation and coordination with the Sec-  
25               retary;

1           “(B) property titles and responsibilities of  
2           the participating proratable irrigation entities  
3           for the maintenance of and liability for all in-  
4           frastructure constructed under this title;

5           “(C) operation and integration of the  
6           projects by the Secretary in the operation of the  
7           Yakima Project;

8           “(D) costs associated with the design, fi-  
9           nancing, construction, operation, maintenance,  
10          and mitigation of projects, with the costs of  
11          Federal oversight and review to be nonreim-  
12          bursable to the participating proratable irriga-  
13          tion entities and the Yakima Project; and

14          “(E) responsibilities for the pumping and  
15          operational costs necessary to provide the total  
16          water supply available made inaccessible due to  
17          drought pumping during the preceding 1 or  
18          more calendar years, in the event that the  
19          Kachess Reservoir fails to refill as a result of  
20          pumping drought storage water during the pre-  
21          ceding 1 or more calendar years, which shall re-  
22          main the responsibility of the participating pro-  
23          ratale irrigation entities.

24          “(2) USE OF KACHESS RESERVOIR STORED  
25          WATER.—

1           “(A) IN GENERAL.—The additional stored  
2           water made available by the construction of fa-  
3           cilities to access and deliver inactive storage in  
4           Kachess Reservoir under subsection  
5           (a)(2)(A)(ii)(I) shall—

6                   “(i) be considered to be Yakima  
7           Project water;

8                   “(ii) not be part of the total water  
9           supply available, as that term is defined in  
10          various court rulings; and

11                  “(iii) be used exclusively by the Sec-  
12          retary—

13                   “(I) to enhance the water supply  
14          in years when the total water supply  
15          available is not sufficient to provide  
16          70 percent of proratable entitlements  
17          in order to make that additional water  
18          available up to 70 percent of prorata-  
19          ble entitlements to the Kittitas Rec-  
20          lamation District, the Roza Irrigation  
21          District, or other proratable irrigation  
22          entities participating in the construc-  
23          tion, operation, and maintenance costs  
24          of the facilities under this title under  
25          such terms and conditions to which

1 the districts may agree, subject to the  
2 conditions that—

3 “(aa) the Bureau of Indian  
4 Affairs, the Wapato Irrigation  
5 Project, and the Yakama Nation,  
6 on an election to participate, may  
7 also obtain water from Kachess  
8 Reservoir inactive storage to en-  
9 hance applicable existing irriga-  
10 tion water supply in accordance  
11 with such terms and conditions  
12 to which the Bureau of Indian  
13 Affairs and the Yakama Nation  
14 may agree; and

15 “(bb) the additional supply  
16 made available under this clause  
17 shall be available to participating  
18 individuals and entities in pro-  
19 portion to the proratable entitle-  
20 ments of the participating indi-  
21 viduals and entities, or in such  
22 other proportion as the partici-  
23 pating entities may agree; and

24 “(II) to facilitate reservoir oper-  
25 ations in the reach of the Yakima

1 River between Keechelus Dam and  
2 Easton Dam for the propagation of  
3 anadromous fish.

4 “(B) EFFECT OF PARAGRAPH.—Nothing  
5 in this paragraph affects (as in existence on the  
6 date of enactment of this section) any contract,  
7 law (including regulations) relating to repay-  
8 ment costs, water right, or Yakama Nation  
9 treaty right.

10 “(3) COMMENCEMENT.—The Secretary shall  
11 not commence entering into agreements pursuant to  
12 subsection (a)(2)(A)(ii) or subsection (b)(1) or im-  
13 plementing any activities pursuant to the agree-  
14 ments before the date on which—

15 “(A) all applicable and required feasibility  
16 studies, environmental reviews, and cost-benefit  
17 analyses have been completed and include favor-  
18 able recommendations for further project devel-  
19 opment, including an analysis of—

20 “(i) the impacts of the agreements  
21 and activities conducted pursuant to sub-  
22 section (a)(2)(A)(ii) on adjacent commu-  
23 nities, including potential fire hazards,  
24 water access for fire districts, community  
25 and homeowner wells, future water levels



1 based on projected usage, recreational val-  
 2 ues, and property values; and

3 “(ii) specific options and measures for  
 4 mitigating the impacts, as appropriate;

5 “(B) the Secretary has made the agree-  
 6 ments and any applicable project designs, oper-  
 7 ations plans, and other documents available for  
 8 public review and comment in the Federal Reg-  
 9 ister for a period of not less than 60 days; and

10 “(C) the Secretary has made a determina-  
 11 tion, consistent with applicable law, that the  
 12 agreements and activities to which the agree-  
 13 ments relate—

14 “(i) are in the public interest; and

15 “(ii) could be implemented without  
 16 significant adverse impacts to the environ-  
 17 ment.

18 “(4) ELECTRICAL POWER ASSOCIATED WITH  
 19 KACHESS DROUGHT RELIEF PUMPING PLANT.—

20 “(A) IN GENERAL.—The Administrator of  
 21 the Bonneville Power Administration, pursuant  
 22 to the Pacific Northwest Electric Power Plan-  
 23 ning and Conservation Act (16 U.S.C. 839 et  
 24 seq.), shall provide to the Secretary project  
 25 power to operate the Kachess Pumping Plant

1 constructed under this title if inactive storage  
2 in Kachess Reservoir is needed to provide  
3 drought relief for irrigation, subject to the re-  
4 quirements of subparagraphs (B) and (C).

5 “(B) DETERMINATION.—Power may be  
6 provided under subparagraph (A) only if—

7 “(i) there is in effect a drought dec-  
8 laration issued by the State of Washington;

9 “(ii) there are conditions that have led  
10 to 70 percent or less water delivery to pro-  
11 ratable irrigation districts, as determined  
12 by the Secretary; and

13 “(iii) the Secretary determines that it  
14 is appropriate to provide power under that  
15 subparagraph.

16 “(C) PERIOD OF AVAILABILITY.—Power  
17 under subparagraph (A) shall be provided until  
18 the date on which the Secretary determines that  
19 power should no longer be provided under that  
20 subparagraph, but for not more than a 1-year  
21 period or the period during which the Secretary  
22 determines that drought mitigation measures  
23 are necessary in the Yakima River basin.

24 “(D) RATE.—The Administrator of the  
25 Bonneville Power Administration shall provide

1 power under subparagraph (A) at the then-ap-  
2 plicable lowest Bonneville Power Administration  
3 rate for public body, cooperative, and Federal  
4 agency customers firm obligations, which as of  
5 the date of enactment of this section is the pri-  
6 ority firm Tier 1 rate, and shall not include any  
7 irrigation discount.

8 “(E) LOCAL PROVIDER.—During any pe-  
9 riod in which power is not being provided under  
10 subparagraph (A), the power needed to operate  
11 the Kachess Pumping Plant shall be obtained  
12 by the Secretary from a local provider.

13 “(F) COSTS.—The cost of power for such  
14 pumping, station service power, and all costs of  
15 transmitting power from the Federal Columbia  
16 River Power System to the Yakima Enhance-  
17 ment Project pumping facilities shall be borne  
18 by irrigation districts receiving the benefits of  
19 that water.

20 “(G) DUTIES OF COMMISSIONER.—The  
21 Commissioner of Reclamation shall be respon-  
22 sible for arranging transmission for deliveries of  
23 Federal power over the Bonneville system  
24 through applicable tariff and business practice  
25 processes of the Bonneville system and for ar-

1 ranging transmission for deliveries of power ob-  
2 tained from a local provider.

3 “(c) DESIGN AND USE OF GROUNDWATER RE-  
4 CHARGE PROJECTS.—

5 “(1) IN GENERAL.—Any water supply that re-  
6 sults from an aquifer storage and recovery project  
7 shall not be considered to be a part of the total  
8 water supply available if—

9 “(A) the water for the aquifer storage and  
10 recovery project would not be available for use,  
11 but instead for the development of the project;

12 “(B) the aquifer storage and recovery  
13 project will not otherwise impair any water sup-  
14 ply available for any individual or entity entitled  
15 to use the total water supply available; and

16 “(C) the development of the aquifer stor-  
17 age and recovery project will not impair fish or  
18 other aquatic life in any localized stream reach.

19 “(2) PROJECT TYPES.—The Secretary may pro-  
20 vide technical assistance for, and participate in, any  
21 of the following 3 types of groundwater recharge  
22 projects (including the incorporation of groundwater  
23 recharge projects into Yakima Project operations, as  
24 appropriate):

1           “(A) Aquifer recharge projects designed to  
2           redistribute Yakima Project water within a  
3           water year for the purposes of supplementing  
4           stream flow during the irrigation season, par-  
5           ticularly during storage control, subject to the  
6           condition that if such a project is designed to  
7           supplement a mainstem reach, the water supply  
8           that results from the project shall be credited to  
9           instream flow targets, in lieu of using the total  
10          water supply available to meet those targets.

11          “(B) Aquifer storage and recovery projects  
12          that are designed, within a given water year or  
13          over multiple water years—

14               “(i) to supplement or mitigate for mu-  
15               nicipal uses;

16               “(ii) to supplement municipal supply  
17               in a subsurface aquifer; or

18               “(iii) to mitigate the effect of ground-  
19               water use on instream flow or senior water  
20               rights.

21          “(C) Aquifer storage and recovery projects  
22          designed to supplement existing irrigation water  
23          supply, or to store water in subsurface aquifers,  
24          for use by the Kittitas Reclamation District,  
25          the Roza Irrigation District, or any other pro-

1           ratable irrigation entity participating in the re-  
2           payment of the construction, operation, and  
3           maintenance costs of the facilities under this  
4           section during years in which the total water  
5           supply available is insufficient to provide to  
6           those proratable irrigation entities all water to  
7           which the entities are entitled, subject to the  
8           conditions that—

9                   “(i) the Bureau of Indian Affairs, the  
10           Wapato Irrigation Project, and the  
11           Yakama Nation, on an election to partici-  
12           pate, may also obtain water from aquifer  
13           storage to enhance applicable existing irri-  
14           gation water supply in accordance with  
15           such terms and conditions to which the  
16           Bureau of Indian Affairs and the Yakama  
17           Nation may agree; and

18                   “(ii) nothing in this subparagraph af-  
19           fects (as in existence on the date of enact-  
20           ment of this section) any contract, law (in-  
21           cluding regulations) relating to repayment  
22           costs, water right, or Yakama Nation trea-  
23           ty right.

24           “(d) FEDERAL COST-SHARE.—

1           “(1) IN GENERAL.—The Federal cost-share of a  
2           project carried out under this section shall be deter-  
3           mined in accordance with the applicable laws (in-  
4           cluding regulations) and policies of the Bureau of  
5           Reclamation.

6           “(2) INITIAL PHASE.—The Federal cost-share  
7           for the initial development phase of the Integrated  
8           Plan shall not exceed 50 percent of the total cost of  
9           the initial development phase.

10          “(3) STATE AND OTHER CONTRIBUTIONS.—The  
11          Secretary may accept as part of the non-Federal  
12          cost-share of a project carried out under this section,  
13          and expend as if appropriated, any contribution (in-  
14          cluding in-kind services) by the State of Washington  
15          or any other individual or entity that the Secretary  
16          determines will enhance the conduct and completion  
17          of the project.

18          “(4) LIMITATION ON USE OF OTHER FEDERAL  
19          FUNDS.—Except as otherwise provided in this title,  
20          other Federal funds may not be used to provide the  
21          non-Federal cost-share of a project carried out  
22          under this section.

23          “(e) SAVINGS AND CONTINGENCIES.—Nothing in this  
24          section shall—

1           “(1) be a new or supplemental benefit for pur-  
2           poses of the Reclamation Reform Act of 1982 (43  
3           U.S.C. 390aa et seq.);

4           “(2) affect any contract in existence on the date  
5           of enactment of this section that was executed pur-  
6           suant to the reclamation laws;

7           “(3) affect any contract or agreement between  
8           the Bureau of Indian Affairs and the Bureau of  
9           Reclamation;

10          “(4) affect, waive, abrogate, diminish, define, or  
11          interpret the treaty between the Yakama Nation and  
12          the United States; or

13          “(5) constrain the continued authority of the  
14          Secretary to provide fish passage in the Yakima  
15          Basin in accordance with the Hoover Power Plant  
16          Act of 1984 (43 U.S.C. 619 et seq.).

17 **“SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.**

18          “The Secretary shall retain authority and discretion  
19          over the management of project supplies to optimize oper-  
20          ational use and flexibility to ensure compliance with all  
21          applicable Federal and State laws, treaty rights of the  
22          Yakama Nation, and legal obligations, including those  
23          contained in this Act. That authority and discretion in-  
24          cludes the ability of the United States to store, deliver,



1 conserve, and reuse water supplies deriving from projects  
 2 authorized under this title.”.

### 3 **Subtitle D—Klamath Project Water** 4 **and Power**

#### 5 **SEC. 9301. KLAMATH PROJECT.**

6 (a) ADDRESSING WATER MANAGEMENT AND POWER  
 7 COSTS FOR IRRIGATION.—The Klamath Basin Water  
 8 Supply Enhancement Act of 2000 (Public Law 106–498;  
 9 114 Stat. 2221) is amended—

10 (1) by redesignating sections 4 through 6 as  
 11 sections 5 through 7, respectively; and

12 (2) by inserting after section 3 the following:

#### 13 **“SEC. 4. POWER AND WATER MANAGEMENT.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) COVERED POWER USE.—The term ‘covered  
 16 power use’ means a use of power to develop or man-  
 17 age water for irrigation, wildlife purposes, or drain-  
 18 age on land that is—

19 “(A) associated with the Klamath Project,  
 20 including land within a unit of the National  
 21 Wildlife Refuge System that receives water due  
 22 to the operation of Klamath Project facilities;  
 23 or

24 “(B) irrigated by the class of users covered  
 25 by the agreement dated April 30, 1956, be-

1           tween the California Oregon Power Company  
2           and Klamath Basin Water Users Protective As-  
3           sociation and within the Off Project Area (as  
4           defined in the Upper Basin Comprehensive  
5           Agreement entered into on April 18, 2014),  
6           only if each applicable owner and holder of a  
7           possessory interest of the land is a party to that  
8           agreement (or a successor agreement that the  
9           Secretary determines provides a comparable  
10          benefit to the United States).

11       “(2) KLAMATH PROJECT.—

12               “(A) IN GENERAL.—The term ‘Klamath  
13               Project’ means the Bureau of Reclamation  
14               project in the States of California and Oregon.

15               “(B) INCLUSIONS.—The term ‘Klamath  
16               Project’ includes any dams, canals, and other  
17               works and interests for water diversion, storage,  
18               delivery, and drainage, flood control, and simi-  
19               lar functions that are part of the project de-  
20               scribed in subparagraph (A).

21       “(3) POWER COST BENCHMARK.—The term  
22       ‘power cost benchmark’ means the average net deliv-  
23       ered cost of power for irrigation and drainage at  
24       Reclamation projects in the area surrounding the  
25       Klamath Project that are similarly situated to the

1 Klamath Project, including Reclamation projects  
2 that—

3 “(A) are located in the Pacific Northwest;  
4 and

5 “(B) receive project-use power.

6 “(b) WATER, ENVIRONMENTAL, AND POWER ACTIVI-  
7 TIES.—

8 “(1) IN GENERAL.—Pursuant to the reclama-  
9 tion laws and subject to appropriations and required  
10 environmental reviews, the Secretary may carry out  
11 activities, including entering into an agreement or  
12 contract or otherwise making financial assistance  
13 available—

14 “(A) to plan, implement, and administer  
15 programs to align water supplies and demand  
16 for irrigation water users associated with the  
17 Klamath Project, with a primary emphasis on  
18 programs developed or endorsed by local enti-  
19 ties comprised of representatives of those water  
20 users;

21 “(B) to plan and implement activities and  
22 projects that—

23 “(i) avoid or mitigate environmental  
24 effects of irrigation activities; or

1 “(ii) restore habitats in the Klamath  
2 Basin watershed, including restoring tribal  
3 fishery resources held in trust; and

4 “(C) to limit the net delivered cost of  
5 power for covered power uses.

6 “(2) EFFECT.—Nothing in subparagraph (A)  
7 or (B) of paragraph (1) authorizes the Secretary—

8 “(A) to develop or construct new facilities  
9 for the Klamath Project without appropriate  
10 approval from Congress under section 9 of the  
11 Reclamation Projects Act of 1939 (43 U.S.C.  
12 485h); or

13 “(B) to carry out activities that have not  
14 otherwise been authorized.

15 “(c) REDUCING POWER COSTS.—

16 “(1) IN GENERAL.—Not later than 180 days  
17 after the date of enactment of the Energy and Nat-  
18 ural Resources Act of 2017, the Secretary, in con-  
19 sultation with interested irrigation interests that are  
20 eligible for covered power use and representative or-  
21 ganizations of those interests, shall submit to the  
22 Committee on Energy and Natural Resources of the  
23 Senate and the Committee on Natural Resources of  
24 the House of Representatives a report that—

1           “(A) identifies the power cost benchmark;  
2           and

3           “(B) recommends actions that, in the judg-  
4           ment of the Secretary, are necessary and appro-  
5           priate to ensure that the net delivered power  
6           cost for covered power use is equal to or less  
7           than the power cost benchmark, including a de-  
8           scription of—

9                   “(i) actions to immediately reduce  
10                  power costs and to have the net delivered  
11                  power cost for covered power use be equal  
12                  to or less than the power cost benchmark  
13                  in the near term, while longer-term actions  
14                  are being implemented;

15                  “(ii) actions that prioritize water and  
16                  power conservation and efficiency measures  
17                  and, to the extent actions involving the de-  
18                  velopment or acquisition of power genera-  
19                  tion are included, renewable energy tech-  
20                  nologies (including hydropower);

21                  “(iii) the potential costs and timeline  
22                  for the actions recommended under this  
23                  subparagraph;

1                   “(iv) provisions for modifying the ac-  
 2                   tions and timeline to adapt to new infor-  
 3                   mation or circumstances; and

4                   “(v) a description of public input re-  
 5                   garding the proposed actions, including  
 6                   input from water users that have covered  
 7                   power use and the degree to which those  
 8                   water users concur with the recommenda-  
 9                   tions.

10                  “(2) IMPLEMENTATION.—Not later than 180  
 11                  days after the date of submission of the report  
 12                  under paragraph (1), the Secretary shall implement  
 13                  those recommendations described in the report that  
 14                  the Secretary determines will ensure that the net de-  
 15                  livered power cost for covered power use is equal to  
 16                  or less than the power cost benchmark, subject to  
 17                  availability of appropriations, on the fastest prac-  
 18                  ticable timeline.

19                  “(3) ANNUAL REPORTS.—The Secretary shall  
 20                  submit to each Committee described in paragraph  
 21                  (1) annual reports describing progress achieved in  
 22                  meeting the requirements of this subsection.

23                  “(d) TREATMENT OF POWER PURCHASES.—

24                  “(1) IN GENERAL.—Any purchase of power by  
 25                  the Secretary from the Bonneville Power Adminis-

1       tration under this section shall be considered to be  
2       an authorized sale for purposes of section 5(b)(3) of  
3       the Pacific Northwest Electric Power Planning and  
4       Conservation Act (16 U.S.C. 839c(b)(3)).

5           “(2) EFFECT.—Nothing in this section author-  
6       izes a sale of power from the Federal Columbia  
7       River Power System at rates, terms, or conditions  
8       better than those afforded preference customers of  
9       the Bonneville Power Administration.

10       “(e) GOALS.—The goals of activities under sub-  
11      sections (b) and (c) shall include, as applicable—

12           “(1) the short-term and long-term reduction  
13       and resolution of conflicts relating to water in the  
14       Klamath Basin watershed; and

15           “(2) compatibility and utility for protecting nat-  
16       ural resources throughout the Klamath Basin water-  
17       shed, including the protection, preservation, and res-  
18       toration of Klamath River tribal fishery resources,  
19       particularly through collaboratively developed agree-  
20       ments.

21       “(f) PUMPING PLANT D.—The Secretary may enter  
22      into 1 or more agreements with the Tulelake Irrigation  
23      District to reimburse the Tulelake Irrigation District for  
24      not more than 69 percent of the cost incurred by the  
25      Tulelake Irrigation District for the operation and mainte-

1 nance of Pumping Plant D, on the condition that the cost  
2 benefits the United States.”.

3 (b) CONVEYANCE OF NON-PROJECT WATER; RE-  
4 PLACEMENT OF C CANAL.—

5 (1) DEFINITION OF KLAMATH PROJECT.—In  
6 this subsection:

7 (A) IN GENERAL.—The term “Klamath  
8 Project” means the Bureau of Reclamation  
9 project in the States of California and Oregon.

10 (B) INCLUSIONS.—The term “Klamath  
11 Project” includes any dams, canals, and other  
12 works and interests for water diversion, storage,  
13 delivery, and drainage, flood control, and simi-  
14 lar functions that are part of the project de-  
15 scribed in subparagraph (A).

16 (2) CONVEYANCE OF NON-PROJECT WATER.—

17 (A) IN GENERAL.—An entity operating  
18 under a contract entered into with the United  
19 States for the operation and maintenance of  
20 Klamath Project works or facilities, and an en-  
21 tity operating any work or facility not owned by  
22 the United States that receives Klamath Project  
23 water, may use any of the Klamath Project  
24 works or facilities to convey non-Klamath  
25 Project water for any authorized purpose of the



1 Klamath Project, subject to subparagraphs (B)  
2 and (C).

3 (B) PERMITS; MEASUREMENT.—An addi-  
4 tion, conveyance, and use of water pursuant to  
5 subparagraph (A) shall be subject to the re-  
6 quirements that—

7 (i) the applicable entity shall secure  
8 all permits required under State or local  
9 laws; and

10 (ii) all water delivered into, or taken  
11 out of, a Klamath Project facility pursuant  
12 to that subparagraph shall be measured.

13 (C) EFFECT.—A use of non-Klamath  
14 Project water under this paragraph shall not—

15 (i) adversely affect the delivery of  
16 water to any water user or land served by  
17 the Klamath Project; or

18 (ii) result in any additional cost to the  
19 United States.

20 (3) REPLACEMENT OF C CANAL FLUME.—The  
21 replacement of the C Canal flume within the Klam-  
22 ath Project shall be considered to be, and shall re-  
23 ceive the treatment authorized for, emergency ex-  
24 traordinary operation and maintenance work in ac-  
25 cordance with Federal reclamation law (the Act of

1 June 17, 1902 (32 Stat. 388, chapter 1093), and  
2 Acts supplemental to and amendatory of that Act  
3 (43 U.S.C. 371 et seq.)).

4 (c) ADMINISTRATION.—

5 (1) COMPLIANCE.—In implementing this sec-  
6 tion and the amendments made by this section, the  
7 Secretary shall comply with—

8 (A) the National Environmental Policy Act  
9 of 1969 (42 U.S.C. 4321 et seq.);

10 (B) the Endangered Species Act of 1973  
11 (16 U.S.C. 1531 et seq.); and

12 (C) all other applicable laws.

13 (2) EFFECT.—Nothing in this section—

14 (A) modifies the authorities or obligations  
15 of the United States with respect to the tribal  
16 trust and treaty obligations of the United  
17 States;

18 (B) creates or determines water rights or  
19 affects water rights or water right claims in ex-  
20 istence on the date of enactment of this Act; or

21 (C) authorizes the use of Federal funds for  
22 the physical deconstruction of the Iron Gate,  
23 Copco 1, Copco 2, and John C. Boyle dams lo-  
24 cated on the Klamath River in California and  
25 Oregon.

1     **Subtitle E—Equus Beds Division**  
2                     **Extension**

3     **SEC. 9401. EQUUS BEDS DIVISION EXTENSION.**

4         Section 10(h) of Public Law 86–787 (74 Stat. 1026;  
5     120 Stat. 1474) is amended by striking “10 years” and  
6     inserting “20 years”.

7     **TITLE X—NATURAL HAZARDS**  
8     **Subtitle A—National Volcano Early**  
9     **Warning and Monitoring System**

10    **SEC. 10001. DEFINITIONS.**

11         In this subtitle:

12             (1) SECRETARY.—The term “Secretary” means  
13         the Secretary, acting through the Director of the  
14         United States Geological Survey.

15             (2) SYSTEM.—The term “System” means the  
16         National Volcano Early Warning and Monitoring  
17         System established under section 10002(a)(1).

18    **SEC. 10002. NATIONAL VOLCANO EARLY WARNING AND**  
19                     **MONITORING SYSTEM.**

20         (a) ESTABLISHMENT.—

21             (1) IN GENERAL.—The Secretary shall establish  
22         within the United States Geological Survey a sys-  
23         tem, to be known as the “National Volcano Early  
24         Warning and Monitoring System”, to monitor, warn,

1 and protect citizens of the United States from undue  
2 and avoidable harm from volcanic activity.

3 (2) PURPOSES.—The purposes of the System  
4 are—

5 (A) to organize, modernize, standardize,  
6 and stabilize the monitoring systems of the vol-  
7 cano observatories in the United States, which  
8 includes the Alaska Volcano Observatory, Cali-  
9 fornia Volcano Observatory, Cascades Volcano  
10 Observatory, Hawaiian Volcano Observatory,  
11 and Yellowstone Volcano Observatory; and

12 (B) to unify the monitoring systems of vol-  
13 cano observatories in the United States into a  
14 single interoperative system.

15 (3) OBJECTIVE.—The objective of the System is  
16 to monitor all the volcanoes in the United States at  
17 a level commensurate with the threat posed by the  
18 volcanoes by—

19 (A) upgrading existing networks on mon-  
20 itored volcanoes;

21 (B) installing new networks on  
22 unmonitored volcanoes; and

23 (C) employing geodetic and other compo-  
24 nents when applicable.

25 (b) SYSTEM COMPONENTS.—

1 (1) IN GENERAL.—The System shall include—

2 (A) a national volcano watch office that is  
3 operational 24 hours a day and 7 days a week;

4 (B) a national volcano data center; and

5 (C) an external grants program to support  
6 research in volcano monitoring science and  
7 technology.

8 (2) MODERNIZATION ACTIVITIES.—Moderniza-  
9 tion activities under the System shall include the  
10 comprehensive application of emerging technologies,  
11 including digital broadband seismometers, real-time  
12 continuous Global Positioning System receivers, sat-  
13 ellite and airborne radar interferometry, acoustic  
14 pressure sensors, and spectrometry to measure gas  
15 emissions.

16 (c) MANAGEMENT.—

17 (1) MANAGEMENT PLAN.—

18 (A) IN GENERAL.—Not later than 180  
19 days after the date of enactment of this Act,  
20 the Secretary shall submit to Congress a 5-year  
21 management plan for establishing and oper-  
22 ating the System.

23 (B) INCLUSIONS.—The management plan  
24 submitted under subparagraph (A) shall in-  
25 clude—

1 (i) annual cost estimates for mod-  
2 ernization activities and operation of the  
3 System;

4 (ii) annual milestones, standards, and  
5 performance goals; and

6 (iii) recommendations for, and  
7 progress towards, establishing new, or en-  
8 hancing existing, partnerships to leverage  
9 resources.

10 (2) ADVISORY COMMITTEE.—The Secretary  
11 shall establish an advisory committee to assist the  
12 Secretary in implementing the System, to be com-  
13 prised of representatives of relevant agencies and  
14 members of the scientific community, to be ap-  
15 pointed by the Secretary.

16 (3) PARTNERSHIPS.—The Secretary may enter  
17 into cooperative agreements with institutions of  
18 higher education and State agencies designating the  
19 institutions of higher education and State agencies  
20 as volcano observatory partners for the System.

21 (4) COORDINATION.—The Secretary shall co-  
22 ordinate the activities under this subtitle with the  
23 heads of relevant Federal agencies, including—

24 (A) the Secretary of Transportation;

1 (B) the Administrator of the Federal Avia-  
 2 tion Administration;

3 (C) the Administrator of the National Oce-  
 4 anic and Atmospheric Administration; and

5 (D) the Director of the Federal Emergency  
 6 Management Administration.

7 (d) ANNUAL REPORT.—Annually, the Secretary shall  
 8 submit to Congress a report that describes the activities  
 9 carried out under this subtitle.

10 **SEC. 10003. FUNDING.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
 12 are authorized to be appropriated such sums as are nec-  
 13 essary to carry out this subtitle for each of fiscal years  
 14 2017 through 2027.

15 (b) EFFECT ON OTHER SOURCES OF FEDERAL  
 16 FUNDING.—Amounts made available under this section  
 17 shall supplement, and not supplant, Federal funds made  
 18 available for other United States Geological Survey haz-  
 19 ards activities and programs.

20 **Subtitle B—National Landslide**  
 21 **Hazards Reduction Program**

22 **SEC. 10101. DEFINITIONS.**

23 In this subtitle:

24 (1) 3D.—The term “3D” means 3-dimensional.

25 (2) 3D ELEVATION DATA.—

1           (A) IN GENERAL.—The term “3D ele-  
2           vation data” means 3D, high-resolution data  
3           obtained using lidar, ifsar, or other methods  
4           over the United States (including territories).

5           (B) INCLUSIONS.—The term “3D elevation  
6           data” includes terrestrial and bathymetric ele-  
7           vation data.

8           (3) 3D ELEVATION PROGRAM.—The term “3D  
9           Elevation Program” means the 3D Elevation Pro-  
10          gram established under section 10104(a).

11          (4) IFSAR.—The term “ifsar” means  
12          interferometric synthetic aperture radar.

13          (5) INDIAN TRIBE.—The term “Indian tribe”  
14          has the meaning given the term in section 4 of the  
15          Indian Self-Determination and Education Assistance  
16          Act (25 U.S.C. 5304).

17          (6) LIDAR.—The term “lidar” means light de-  
18          tection and ranging.

19          (7) SECRETARY.—The term “Secretary” means  
20          the Secretary, acting through the Director of the  
21          United States Geological Survey.

22          (8) STATE.—The term “State” means any unit  
23          of State government handling the identification,  
24          mapping, assessment, and research of landslide haz-  
25          ards or responding to landslide events, including—



1 (A) a State geological survey office;

2 (B) a State department of emergency re-  
3 sponse; and

4 (C) a State department of transportation.

5 **SEC. 10102. NATIONAL LANDSLIDE HAZARDS REDUCTION**  
6 **PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary shall establish  
8 a program, to be known as the “National Landslide Haz-  
9 ards Reduction Program” (referred to in this section as  
10 the “program”)—

11 (1) to identify and understand landslide haz-  
12 ards and risks;

13 (2) to reduce losses from landslides;

14 (3) to protect communities at risk of landslide  
15 hazards; and

16 (4) to help improve communication and emer-  
17 gency preparedness, including by coordinating with  
18 communities and entities responsible for infrastruc-  
19 ture that are at risk of landslide hazards.

20 (b) DESCRIPTION OF PROGRAM.—

21 (1) PROGRAM ACTIVITIES.—The Secretary, in  
22 coordination with the Interagency Coordinating  
23 Committee on Landslide Hazards established by  
24 subsection (c)(1) (referred to in this section as the  
25 “Committee”) and in coordination with existing ac-

1       tivities of the United States Geological Survey and  
2       other Federal agencies, shall—

3               (A) identify, map, assess, and research  
4       landslide hazards;

5               (B) respond to landslide events; and

6               (C) in coordination with States and Indian  
7       tribes—

8                   (i) establish working groups with  
9       States and Indian tribes to identify re-  
10      gional and local priorities for researching,  
11      identifying, mapping, and assessing land-  
12      slide hazards; and

13                  (ii) develop and implement landslide  
14      hazard guidelines for—

15                          (I) geologists;

16                          (II) geological and geotechnical  
17      engineers; and

18                          (III) land use and other decision-  
19      makers.

20       (2) NATIONAL STRATEGY.—Not later than 180  
21      days after the date of enactment of this Act, and  
22      every 5 years thereafter, the Secretary, in coordina-  
23      tion with the Committee, shall develop and publish  
24      a national strategy for landslide hazards and risk re-  
25      duction in the United States, which shall include—

1 (A) goals and priorities for the program;

2 (B) priorities for data acquisition, re-  
3 search, communications, and risk management  
4 on landslides and landslide hazards across rel-  
5 evant Federal agencies; and

6 (C) a detailed interagency plan to carry  
7 out the national strategy, including details  
8 about the programs, projects, and budgets that  
9 will be used to implement the national strategy.

10 (3) NATIONAL LANDSLIDE HAZARDS DATA-  
11 BASE.—In carrying out the program, the Secretary,  
12 in coordination with States and Indian tribes, shall  
13 develop and maintain a publicly accessible national  
14 landslide hazard and risk inventory database to com-  
15 pile, maintain, standardize, and evaluate data re-  
16 garding—

17 (A) landslide hazards and risks nationwide;

18 (B) the nationwide impact of landslides

19 on—

20 (i) health and safety;

21 (ii) the economy and infrastructure;

22 and

23 (iii) the environment;

24 (C) landslide hazard stabilization; and

25 (D) reduction of losses from landslides.

1           (4) LANDSLIDE HAZARD AND RISK PREPARED-  
2       NESS FOR COMMUNITIES.—In carrying out the pro-  
3       gram, the Secretary, in coordination with the Sec-  
4       retary of the Army, the Secretary of Commerce, the  
5       Secretary of Homeland Security, the Secretary of  
6       Transportation, and the heads of other relevant Fed-  
7       eral agencies, and in consultation with States and  
8       Indian tribes, shall develop and disseminate—

9           (A) landslide planning and risk reduction  
10       guidance, guidelines, maps, tools, and training  
11       materials to help inform State, local, and tribal  
12       governments and decisionmakers with respect  
13       to—

14           (i) the use and implementation of  
15       landslide hazard assessments;

16           (ii) the applied use of the database  
17       developed under paragraph (3);

18           (iii) reducing losses from landslides;

19       and

20           (iv) resources available for commu-  
21       nities working to improve landslide hazard  
22       preparedness; and

23       (B) landslide preparedness curricula and  
24       training modules for—

25           (i) State, local, and tribal officials;

- 1 (ii) Federal, State, local, and tribal  
2 emergency managers; and  
3 (iii) the National Guard.

4 (5) FLASH FLOOD AND DEBRIS FLOW EARLY  
5 WARNING SYSTEM.—In carrying out the program,  
6 the Secretary, in coordination with the Secretary of  
7 Commerce, shall expand the early warning system  
8 for flash floods and debris flow by—

9 (A) expanding the early warning system  
10 for post-wildfire debris flow to include recently  
11 burned areas across the western United States;

12 (B) developing procedures with State,  
13 local, and tribal governments to monitor  
14 stormwater drainage in areas with high flash  
15 flood and debris flow risk; and

16 (C) identifying high-risk debris flow areas,  
17 such as recently burned land and potential  
18 lahar hazard areas.

19 (6) EMERGENCY RESPONSE ACTIVITIES.—In  
20 carrying out the program, the Secretary, in coordi-  
21 nation with the Secretary of Commerce, the Sec-  
22 retary of Homeland Security, the heads of other rel-  
23 evant Federal agencies, States, and Indian tribes,  
24 shall establish emergency response procedures for  
25 the rapid deployment of Federal scientists, equip-

1       ment, and services to areas impacted by a significant  
2       landslide event—

3               (A) to support emergency response efforts  
4               and improve the safety of emergency respond-  
5               ers;

6               (B) to improve data collection; and

7               (C) to conduct research to advance the un-  
8               derstanding of the causes, impacts, and reduc-  
9               tion of landslide hazards and risks.

10       (c) INTERAGENCY COORDINATING COMMITTEE ON  
11       LANDSLIDE HAZARDS.—

12               (1) IN GENERAL.—There is established a com-  
13       mittee, to be known as the “Interagency Coordi-  
14       nating Committee on Landslide Hazards”.

15               (2) MEMBERSHIP.—The Committee shall be  
16       composed of the following members (or their des-  
17       ignees):

18               (A) The Secretary, who shall serve as  
19       Chairperson of the Committee.

20               (B) The Secretary of the Army.

21               (C) The Secretary of Commerce.

22               (D) The Secretary of Homeland Security.

23               (E) The Secretary of Transportation.

24               (F) The Director of the National Science  
25       Foundation.

1 (G) The Director of the Office of Science  
2 and Technology Policy.

3 (H) The Director of the Office of Manage-  
4 ment and Budget.

5 (3) MEETINGS.—The Committee shall meet at  
6 the call of the Chairperson.

7 (4) PURPOSE AND DUTIES.—The Committee  
8 shall—

9 (A) advise and oversee the program;

10 (B) facilitate communication and coordina-  
11 tion across Federal agencies in the planning,  
12 management, budgeting, and execution of land-  
13 slide activities; and

14 (C) support the development and execution  
15 of the national strategy under subsection (b)(2),  
16 including by—

17 (i) supporting the development of na-  
18 tional goals and priorities for the national  
19 strategy;

20 (ii) articulating Federal agency roles,  
21 responsibilities, and resources for carrying  
22 out the national strategy; and

23 (iii) overseeing the implementation of  
24 the national strategy.

25 (d) ADVISORY COMMITTEE.—

1           (1) IN GENERAL.—The Secretary shall establish  
2           an advisory committee, to be known as the “Advi-  
3           sory Committee on Landslides” (referred to in this  
4           subsection as the “Advisory Committee”).

5           (2) MEMBERSHIP.—The Advisory Committee  
6           shall be composed of not fewer than 11 members—

7                   (A) of whom none may be an individual de-  
8                   scribed in any of subparagraphs (A) through  
9                   (F) of section 7342(a)(1) of title 5, United  
10                  States Code; and

11                   (B) who shall be representatives of—

12                           (i) States, including State geological  
13                           organizations;

14                           (ii) Indian tribes, including tribal geo-  
15                           logical organizations;

16                           (iii) research institutions and institu-  
17                           tions of higher education that are quali-  
18                           fied—

19                                   (I) to provide advice regarding  
20                                   landslide hazard and risk reduction;  
21                                   and

22                                   (II) to represent related sci-  
23                                   entific, architectural, engineering, and  
24                                   planning disciplines;



- 1 (iv) industry standards development  
2 organizations; and  
3 (v) State, local, and tribal emergency  
4 management agencies.

5 (3) RECOMMENDATIONS.—

6 (A) IN GENERAL.—The Advisory Com-  
7 mittee shall submit to the Committee rec-  
8 ommendations for the implementation of the  
9 program, including recommendations regard-  
10 ing—

11 (i) landslide hazard and risk reduction  
12 and planning;

13 (ii) tools for communities;

14 (iii) research; and

15 (iv) such other topics as the Advisory  
16 Committee determines appropriate.

17 (B) CONSIDERATION.—The Secretary and  
18 the agency heads described in subparagraphs  
19 (A) through (H) of subsection (c)(2) shall take  
20 into consideration any recommendation of the  
21 Advisory Committee submitted under subpara-  
22 graph (A).

23 (e) GRANT PROGRAMS.—

24 (1) COOPERATIVE LANDSLIDE HAZARD MAP-  
25 PING AND ASSESSMENT PROGRAM.—

1 (A) IN GENERAL.—Subject to appropria-  
2 tions, the Secretary may—

3 (i) provide grants, on a competitive  
4 basis, to State, local, and tribal govern-  
5 ments to research, map, assess, and collect  
6 data on landslide hazards within the juris-  
7 dictions of those governments; and

8 (ii) accept and use funds received  
9 from other Federal and non-Federal part-  
10 ners to advance the purposes of the pro-  
11 gram.

12 (B) PRIORITY.—

13 (i) IN GENERAL.—The Secretary shall  
14 consult annually with the Committee,  
15 States, and Indian tribes to establish prior-  
16 ities for the grant program under this  
17 paragraph.

18 (ii) FUNDING PRIORITIZATION.—In  
19 providing grants under this paragraph, the  
20 Secretary shall give priority to projects  
21 that—

22 (I) will achieve the greatest land-  
23 slide hazard and risk reduction;

1 (II) reflect the goals and prior-  
 2 ities of the national strategy estab-  
 3 lished under subsection (b)(2)(A);

4 (III) would receive not more than  
 5 50 percent of the total cost of the  
 6 project from non-Federal sources; and

7 (IV) include acquisition of en-  
 8 hanced elevation data consistent with  
 9 the 3D Elevation Program.

10 (2) NATIONAL LANDSLIDE RESEARCH  
 11 GRANTS.—In providing grants for landslide research  
 12 and development, the Director of the National  
 13 Science Foundation, in consultation with the Sec-  
 14 retary and the Committee, shall ensure that the  
 15 grants are provided on a competitive basis to State,  
 16 local, and tribal governments, institutions of higher  
 17 education, and nongovernmental entities to advance  
 18 the goals and priorities of the national strategy es-  
 19 tablished under subsection (b)(2)(A), including for  
 20 research and development on—

21 (A) the causes, mechanisms, triggers, hy-  
 22 drology, and geology of landslides;

23 (B) ways to reduce landslide hazards and  
 24 risks to minimize loss of life and property, in-  
 25 cluding landslide hazard and risk communica-

1           tion, perception, decisionmaking, tools, and  
2           technologies; and

3           (C) other goals and priorities of the na-  
4           tional strategy established under subsection  
5           (b)(2)(A).

6           (f) ANNUAL REPORT.—The Secretary shall submit to  
7 Congress an annual report, including a description of, with  
8 respect to the preceding calendar year—

9           (1) the goals and accomplishments of the Sec-  
10          retary and the agency heads described in subpara-  
11          graphs (A) through (H) of subsection (c)(2) in car-  
12          rying out the national strategy developed under sub-  
13          section (b)(2), expressed—

14               (A) by agency, program, and budgetary re-  
15               source; and

16               (B) by the goals and priorities of the na-  
17               tional strategy established under subsection  
18               (b)(2)(A);

19           (2) the results of the activities of the Com-  
20          mittee under this section;

21           (3) the extent to which any recommendations of  
22          the Advisory Committee under subsection (d)(3)(A)  
23          have been implemented;

1           (4) the grants provided under this section dur-  
2           ing that preceding calendar year, including a de-  
3           scription of—

4                   (A) each activity carried out using such a  
5           grant; and

6                   (B) the results of those activities; and

7           (5) for each significant landslide event in the  
8           United States during that preceding calendar year—

9                   (A) a description of the landslide event and  
10          the implications of the event on communities,  
11          including life and property;

12                  (B) recommendations on how the identi-  
13          fication of the landslide risk could have been  
14          improved prior to the event;

15                  (C) a description of the effectiveness of  
16          any warning and risk communication, including  
17          the dissemination of warnings by State, local,  
18          and tribal partners in the affected area;

19                  (D) recommendations to improve risk iden-  
20          tification, reduction, and communication to  
21          landowners and local governments;

22                  (E) recommendations to improve landslide  
23          hazard preparedness and emergency response  
24          activities under this section; and

1 (F) such other findings as the Secretary  
2 determines appropriate.

3 **SEC. 10103. GROUND SUBSIDENCE.**

4 As the Secretary determines to be appropriate and  
5 subject to appropriations, the Secretary, through existing  
6 programs, shall advance the identification, mapping, re-  
7 search, and monitoring of subsidence and groundwater re-  
8 source accounting, particularly in areas affected by  
9 drought.

10 **SEC. 10104. 3D ELEVATION PROGRAM.**

11 (a) ESTABLISHMENT OF 3D ELEVATION PRO-  
12 GRAM.—

13 (1) IN GENERAL.—The Secretary shall establish  
14 a program, to be known as the “3D Elevation Pro-  
15 gram”—

16 (A) to provide 3D elevation data coverage  
17 for the United States;

18 (B) to coordinate and facilitate the collec-  
19 tion, dissemination, and use of 3D elevation  
20 data among Federal departments and agencies  
21 and non-Federal entities;

22 (C) to produce standard, publicly acces-  
23 sible 3D elevation data products for the United  
24 States; and

1 (D) to promote the collection, dissemina-  
2 tion, and use of 3D elevation data among Fed-  
3 eral, State, local, and tribal governments, com-  
4 munities, institutions of higher education, and  
5 the private sector through—

6 (i) cooperative agreements;

7 (ii) the development and maintenance  
8 of spatial data infrastructure to provide  
9 quality control and deliver to the public 3D  
10 elevation data products;

11 (iii) the development of standards and  
12 guidelines for 3D elevation data acquisition  
13 to increase accessibility to 3D elevation  
14 data in a standard, easy-to-use format; and

15 (iv) the identification, assessment, and  
16 adoption of emerging technologies to im-  
17 prove the accuracy and efficiency of the  
18 3D Elevation Program.

19 (2) MANAGEMENT.—

20 (A) IN GENERAL.—The Secretary shall  
21 manage the 3D Elevation Program—

22 (i) to ensure efficiency with respect to  
23 related activities of the Department of the  
24 Interior and other participating Federal  
25 departments and agencies; and

1 (ii) to meet the needs of Department  
2 of the Interior programs, stakeholders, and  
3 the public.

4 (B) OTHER FEDERAL DEPARTMENTS AND  
5 AGENCIES.—The head of each Federal depart-  
6 ment and agency involved in the acquisition,  
7 production, distribution, or application of 3D  
8 elevation data shall—

9 (i) coordinate with the 3D Elevation  
10 Federal Interagency Coordinating Com-  
11 mittee established under subsection (b) to  
12 acquire additional, enhanced 3D elevation  
13 data;

14 (ii) submit to the Secretary a descrip-  
15 tion of priority areas of interest for 3D ele-  
16 vation data collection for use in providing  
17 grants and cooperative agreements under  
18 subsection (d);

19 (iii) implement policies and procedures  
20 for data acquisition and sharing that are  
21 consistent with standards and guidelines  
22 developed under the 3D Elevation Pro-  
23 gram;

24 (iv) participate in, and share the re-  
25 sults and benefits of, the 3D Elevation



1           Program, in accordance with standards  
2           and guidelines developed under the 3D  
3           Elevation Program; and

4           (v) ensure that any 3D elevation data  
5           acquired with Federal grant funding—

6                   (I) meets 3D Elevation Program  
7                   standards; and

8                   (II) is included in the national  
9                   holdings of those data.

10       (b) 3D ELEVATION FEDERAL INTERAGENCY CO-  
11       ORDINATING COMMITTEE.—

12           (1) ESTABLISHMENT.—The Secretary, in co-  
13       ordination with the Secretary of Commerce, shall es-  
14       tablish an interagency coordinating committee, to be  
15       known as the “3D Elevation Federal Interagency  
16       Coordinating Committee” (referred to in this sub-  
17       section as the “Committee”), to better coordinate  
18       3D elevation data management across the Federal  
19       Government.

20           (2) MEMBERSHIP.—The Committee shall be  
21       composed of the following members (or their des-  
22       ignees):

23                   (A) The Secretary, who shall serve as  
24                   Chairperson of the Committee.

25                   (B) The Secretary of Agriculture.

1 (C) The Secretary of Commerce.

2 (D) The Secretary of Homeland Security.

3 (E) The Director of the National Science  
4 Foundation.

5 (F) The Director of the Office of Science  
6 and Technology Policy.

7 (G) The Director of the Office of Manage-  
8 ment and Budget.

9 (H) The head of any other Federal depart-  
10 ment or agency, at the request of the Secretary.

11 (3) COORDINATION.—The Committee shall co-  
12 ordinate, as appropriate, with the existing activities  
13 of—

14 (A) the 3D Elevation Program Executive  
15 Forum;

16 (B) the Alaska Mapping Executive Com-  
17 mittee;

18 (C) the 3D Elevation Working Group; and

19 (D) the 3D National Elevation Sub-  
20 committee.

21 (4) MEETINGS.—The Committee shall meet at  
22 the call of the Chairperson.

23 (5) DUTIES.—The Committee shall—

1 (A) oversee the planning, management,  
2 and coordination of the 3D Elevation Program;  
3 and

4 (B) develop, by not later than 1 year after  
5 the date of enactment of this Act, and update  
6 periodically thereafter—

7 (i) a strategic plan that establishes  
8 goals and priorities for activities carried  
9 out under the 3D Elevation Program; and

10 (ii) a detailed management plan to  
11 implement the strategic plan.

12 (c) SUBCOMMITTEE OF NATIONAL GEOSPATIAL AD-  
13 VISORY COMMITTEE.—

14 (1) ESTABLISHMENT.—

15 (A) IN GENERAL.—The Secretary shall es-  
16 tablish, within the National Geospatial Advisory  
17 Committee, a subcommittee (referred to in this  
18 subsection as the “Subcommittee”).

19 (B) MEMBERSHIP.—The Subcommittee  
20 shall—

21 (i) consist of not fewer than 11 mem-  
22 bers, of whom none may be a Federal offi-  
23 cer or employee; and

24 (ii) include representatives of—

- 1 (I) research and academic insti-
- 2 tutions;
- 3 (II) industry standards develop-
- 4 ment organizations;
- 5 (III) units of State and local gov-
- 6 ernment; and
- 7 (IV) the private sector.

8 (2) DUTIES.—

9 (A) ASSESSMENT.—The Subcommittee  
10 shall conduct an assessment of—

11 (i) trends and developments in—

12 (I) the collection, dissemination,  
13 and use of 3D elevation data; and

14 (II) science and technology relat-  
15 ing to 3D elevation data;

16 (ii) the effectiveness of the 3D Ele-  
17 vation Program in carrying out the activi-  
18 ties described in subsection (a)(1);

19 (iii) the need to revise or reorganize  
20 the 3D Elevation Program; and

21 (iv) the management, coordination,  
22 implementation, and activities of the 3D  
23 Elevation Program.

24 (B) REPORT.—Not later than 1 year after  
25 the date of enactment of this Act, and not less

1 frequently than once every 2 years thereafter,  
2 the Subcommittee shall submit to the Secretary  
3 and the 3D Elevation Federal Interagency Co-  
4 ordinating Committee established under sub-  
5 section (b) a report that includes—

6 (i) the findings of the assessment  
7 under subparagraph (A); and

8 (ii) recommendations of the Sub-  
9 committee based on those findings, if any.

10 (d) GRANTS AND COOPERATIVE AGREEMENTS.—

11 (1) IN GENERAL.—The Secretary may make  
12 grants and enter into cooperative agreements with  
13 other Federal departments and agencies, units of  
14 tribal, State, or local government, institutions of  
15 higher education, nonprofit research institutions, or  
16 other organizations to facilitate the improvement of  
17 nationwide coverage of 3D elevation data.

18 (2) APPLICATIONS.—To be eligible to receive a  
19 grant or enter into a cooperative agreement under  
20 this subsection, an entity described in paragraph (1)  
21 shall submit to the Secretary an application at such  
22 time, in such manner, and containing such informa-  
23 tion as the Secretary may require.

24 (3) TERMS AND CONDITIONS.—A grant or coop-  
25 erative agreement under this subsection shall be sub-

ject to such terms and conditions as the Secretary determines to be appropriate, including making data publically available and interoperable with other Federal datasets.

## **TITLE XI—INDIAN ENERGY**

### **Subtitle A—Indian Tribal Energy Development and Self-Determination Act Amendments**

#### **SEC. 11001. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.**

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.”; and

(2) by adding at the end the following:

“(4) PLANNING.—

1           “(A) IN GENERAL.—In carrying out the  
2           program established by paragraph (1), the Sec-  
3           retary shall provide technical assistance to in-  
4           terested Indian tribes to develop energy plans,  
5           including—

6                   “(i) plans for electrification;

7                   “(ii) plans for oil and gas permitting,  
8                   renewable energy permitting, energy effi-  
9                   ciency, electricity generation, transmission  
10                  planning, water planning, and other plan-  
11                  ning relating to energy issues;

12                  “(iii) plans for the development of en-  
13                  ergy resources and to ensure the protection  
14                  of natural, historic, and cultural resources;  
15                  and

16                  “(iv) any other plans that would as-  
17                  sist an Indian tribe in the development or  
18                  use of energy resources.

19           “(B) COOPERATION.—In establishing the  
20           program under paragraph (1), the Secretary  
21           shall work in cooperation with the Office of In-  
22           dian Energy Policy and Programs of the De-  
23           partment of Energy.”.

24           (b) DEPARTMENT OF ENERGY INDIAN ENERGY EDU-  
25           CATION PLANNING AND MANAGEMENT ASSISTANCE PRO-

1 GRAM.—Section 2602(b)(2) of the Energy Policy Act of  
2 1992 (25 U.S.C. 3502(b)(2)) is amended—

3 (1) in the matter preceding subparagraph (A),  
4 by inserting “, intertribal organization,” after “In-  
5 dian tribe”;

6 (2) by redesignating subparagraphs (C) and  
7 (D) as subparagraphs (D) and (E), respectively; and

8 (3) by inserting after subparagraph (B) the fol-  
9 lowing:

10 “(C) activities to increase the capacity of  
11 Indian tribes to manage energy development  
12 and energy efficiency programs;”.

13 (c) DEPARTMENT OF ENERGY LOAN GUARANTEE  
14 PROGRAM.—Section 2602(c) of the Energy Policy Act of  
15 1992 (25 U.S.C. 3502(c)) is amended—

16 (1) in paragraph (1), by inserting “or a tribal  
17 energy development organization” after “Indian  
18 tribe”;

19 (2) in paragraph (3)—

20 (A) in the matter preceding subparagraph  
21 (A), by striking “guarantee” and inserting  
22 “guaranteed”;

23 (B) in subparagraph (A), by striking “or”;

24 (C) in subparagraph (B), by striking the  
25 period at the end and inserting “; or”; and



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

2 “(C) a tribal energy development organiza-  
3 tion, from funds of the tribal energy develop-  
4 ment organization.”; and

5 (3) in paragraph (5), by striking “The Sec-  
6 retary of Energy may” and inserting “Not later  
7 than 1 year after the date of enactment of the En-  
8 ergy and Natural Resources Act of 2017, the Sec-  
9 retary of Energy shall”.

10 **SEC. 11002. INDIAN TRIBAL ENERGY RESOURCE REGULA-**  
11 **TION.**

12 Section 2603(c) of the Energy Policy Act of 1992 (25  
13 U.S.C. 3503(c)) is amended—

14 (1) in paragraph (1), by striking “on the re-  
15 quest of an Indian tribe, the Indian tribe” and in-  
16 serting “on the request of an Indian tribe or a tribal  
17 energy development organization, the Indian tribe or  
18 tribal energy development organization”; and

19 (2) in paragraph (2)(B), by inserting “or tribal  
20 energy development organization” after “Indian  
21 tribe”.

22 **SEC. 11003. TRIBAL ENERGY RESOURCE AGREEMENTS.**

23 (a) AMENDMENT.—Section 2604 of the Energy Pol-  
24 icy Act of 1992 (25 U.S.C. 3504) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking  
3 “or” after the semicolon at the end;

4 (ii) in subparagraph (B)—

5 (I) by striking clause (i) and in-  
6 serting the following:

7 “(i) an electric production, generation,  
8 transmission, or distribution facility (in-  
9 cluding a facility that produces electricity  
10 from renewable energy resources) located  
11 on tribal land; or”; and

12 (II) in clause (ii)—

13 (aa) by inserting “, at least  
14 a portion of which have been”  
15 after “energy resources”;

16 (bb) by inserting “or pro-  
17 duced from” after “developed  
18 on”; and

19 (cc) by striking “and” after  
20 the semicolon at the end and in-  
21 serting “or”; and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(C) pooling, unitization, or  
25 communitization of the energy mineral re-

1 sources of the Indian tribe located on tribal  
2 land with any other energy mineral resource  
3 (including energy mineral resources owned by  
4 the Indian tribe or an individual Indian in fee,  
5 trust, or restricted status or by any other per-  
6 sons or entities) if the owner, or, if appropriate,  
7 lessee, of the resources has consented or con-  
8 sents to the pooling, unitization, or  
9 communitization of the other resources under  
10 any lease or agreement; and”;

11 (B) by striking paragraph (2) and insert-  
12 ing the following:

13 “(2) a lease or business agreement described in  
14 paragraph (1) shall not require review by, or the ap-  
15 proval of, the Secretary under section 2103 of the  
16 Revised Statutes (25 U.S.C. 81), or any other provi-  
17 sion of law (including regulations), if the lease or  
18 business agreement—

19 “(A) was executed—

20 “(i) in accordance with the require-  
21 ments of a tribal energy resource agree-  
22 ment in effect under subsection (e) (includ-  
23 ing the periodic review and evaluation of  
24 the activities of the Indian tribe under the  
25 agreement, to be conducted pursuant to

1 subparagraphs (D) and (E) of subsection  
 2 (e)(2)); or

3 “(ii) by the Indian tribe and a tribal  
 4 energy development organization for which  
 5 the Indian tribe has obtained a certifi-  
 6 cation pursuant to subsection (h); and

7 “(B) has a term that does not exceed—

8 “(i) 30 years; or

9 “(ii) in the case of a lease for the pro-  
 10 duction of oil resources, gas resources, or  
 11 both, 10 years and as long thereafter as oil  
 12 or gas is produced in paying quantities.”;

13 (2) by striking subsection (b) and inserting the  
 14 following:

15 “(b) RIGHTS-OF-WAY.—An Indian tribe may grant a  
 16 right-of-way over tribal land without review or approval  
 17 by the Secretary if the right-of-way—

18 “(1) serves—

19 “(A) an electric production, generation,  
 20 transmission, or distribution facility (including  
 21 a facility that produces electricity from renew-  
 22 able energy resources) located on tribal land;

23 “(B) a facility located on tribal land that  
 24 extracts, produces, processes, or refines energy  
 25 resources; or

1           “(C) the purposes, or facilitates in car-  
 2           rying out the purposes, of any lease or agree-  
 3           ment entered into for energy resource develop-  
 4           ment on tribal land;

5           “(2) was executed—

6           “(A) in accordance with the requirements  
 7           of a tribal energy resource agreement in effect  
 8           under subsection (e) (including the periodic re-  
 9           view and evaluation of the activities of the In-  
 10          dian tribe under the agreement, to be conducted  
 11          pursuant to subparagraphs (D) and (E) of sub-  
 12          section (e)(2)); or

13          “(B) by the Indian tribe and a tribal en-  
 14          ergy development organization for which the In-  
 15          dian tribe has obtained a certification pursuant  
 16          to subsection (h); and

17          “(3) has a term that does not exceed 30  
 18          years.”;

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

21          “(d) VALIDITY.—No lease or business agreement en-  
 22          tered into, or right-of-way granted, pursuant to this sec-  
 23          tion shall be valid unless the lease, business agreement,  
 24          or right-of-way is authorized by subsection (a) or (b).”;

25          (4) in subsection (e)—

1 (A) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) IN GENERAL.—

4 “(A) AUTHORIZATION.—On or after the  
5 date of enactment of the Energy and Natural  
6 Resources Act of 2017, a qualified Indian tribe  
7 may submit to the Secretary a tribal energy re-  
8 source agreement governing leases, business  
9 agreements, and rights-of-way under this sec-  
10 tion.

11 “(B) NOTICE OF COMPLETE PROPOSED  
12 AGREEMENT.—Not later than 60 days after the  
13 date on which the tribal energy resource agree-  
14 ment is submitted under subparagraph (A), the  
15 Secretary shall—

16 “(i) notify the Indian tribe as to  
17 whether the agreement is complete or in-  
18 complete;

19 “(ii) if the agreement is incomplete,  
20 notify the Indian tribe of what information  
21 or documentation is needed to complete the  
22 submission; and

23 “(iii) identify and notify the Indian  
24 tribe of the financial assistance, if any, to  
25 be provided by the Secretary to the Indian

1           tribe to assist in the implementation of the  
2           tribal energy resource agreement, including  
3           the environmental review of individual  
4           projects.

5           “(C) EFFECT.—Nothing in this paragraph  
6           precludes the Secretary from providing any fi-  
7           nancial assistance at any time to the Indian  
8           tribe to assist in the implementation of the trib-  
9           al energy resource agreement.”;

10          (B) in paragraph (2)—

11           (i) by striking “(2)(A)” and all that  
12           follows through the end of subparagraph  
13           (A) and inserting the following:

14          “(2) PROCEDURE.—

15           “(A) EFFECTIVE DATE.—

16           “(i) IN GENERAL.—On the date that  
17           is 271 days after the date on which the  
18           Secretary receives a tribal energy resource  
19           agreement from a qualified Indian tribe  
20           under paragraph (1), the tribal energy re-  
21           source agreement shall take effect, unless  
22           the Secretary disapproves the tribal energy  
23           resource agreement under subparagraph  
24           (B).

1                   “(ii) REVISED TRIBAL ENERGY RE-  
 2                   SOURCE AGREEMENT.—On the date that is  
 3                   91 days after the date on which the Sec-  
 4                   retary receives a revised tribal energy re-  
 5                   source agreement from a qualified Indian  
 6                   tribe under paragraph (4)(B), the revised  
 7                   tribal energy resource agreement shall take  
 8                   effect, unless the Secretary disapproves the  
 9                   revised tribal energy resource agreement  
 10                  under subparagraph (B).”;

11                  (ii) in subparagraph (B)—

12                   (I) by striking “(B)” and all that  
 13                   follows through clause (ii) and insert-  
 14                   ing the following:

15                  “(B) DISAPPROVAL.—The Secretary shall  
 16                  disapprove a tribal energy resource agreement  
 17                  submitted pursuant to paragraph (1) or (4)(B)  
 18                  only if—

19                   “(i) a provision of the tribal energy  
 20                   resource agreement violates applicable  
 21                   Federal law (including regulations) or a  
 22                   treaty applicable to the Indian tribe;

23                   “(ii) the tribal energy resource agree-  
 24                   ment does not include one or more provi-



sions required under subparagraph (D);  
or”; and

(II) in clause (iii)—

(aa) in the matter preceding  
subclause (I), by striking “in-  
cludes” and all that follows  
through “section—” and insert-  
ing “does not include provisions  
that, with respect to any lease,  
business agreement, or right-of-  
way to which the tribal energy  
resource agreement applies—”;

(bb) by striking subclauses  
(I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses  
(III), (IV), (VI), (VII), (IX)  
through (XIV), and (XVI) as  
clauses (I), (II), (III), (IV), (V)  
through (X), and (XI), respec-  
tively;

(dd) in item (bb) of sub-  
clause (XI) (as redesignated by  
item (cc))—

(AA) by striking “or  
tribal”; and

1 (BB) by striking the  
2 period at the end and insert-  
3 ing a semicolon; and  
4 (ee) by adding at the end  
5 the following:

6 “(XII) include a certification by  
7 the Indian tribe that the Indian tribe  
8 has—

9 “(aa) carried out a contract  
10 or compact under title I or IV of  
11 the Indian Self-Determination  
12 and Education Assistance Act  
13 (25 U.S.C. 5301 et seq.) for a  
14 period of not less than 3 consecu-  
15 tive years ending on the date on  
16 which the Indian tribe submits  
17 the application without material  
18 audit exception (or without any  
19 material audit exceptions that  
20 were not corrected within the 3-  
21 year period) relating to the man-  
22 agement of tribal land or natural  
23 resources; or

24 “(bb) substantial experience  
25 in the administration, review, or

1 evaluation of energy resource  
2 leases or agreements or has oth-  
3 erwise substantially participated  
4 in the administration, manage-  
5 ment, or development of energy  
6 resources located on the tribal  
7 land of the Indian tribe; and

8 “(XIII) at the option of the In-  
9 dian tribe, identify which functions, if  
10 any, authorizing any operational or  
11 development activities pursuant to a  
12 lease, right-of-way, or business agree-  
13 ment approved by the Indian tribe,  
14 that the Indian tribe intends to con-  
15 duct.”;

16 (iii) in subparagraph (C)—

17 (I) by striking clauses (i) and  
18 (ii);

19 (II) by redesignating clauses (iii)  
20 through (v) as clauses (ii) through  
21 (iv), respectively; and

22 (III) by inserting before clause  
23 (ii) (as redesignated by subclause (II))  
24 the following:

25 “(i) a process for ensuring that—

1           “(I) the public is informed of,  
2           and has reasonable opportunity to  
3           comment on, any significant environ-  
4           mental impacts of the proposed ac-  
5           tion; and

6           “(II) the Indian tribe provides  
7           responses to relevant and substantive  
8           public comments on any impacts de-  
9           scribed in subclause (I) before the In-  
10          dian tribe approves the lease, business  
11          agreement, or right-of-way;”;

12          (iv) in subparagraph (D)(ii), by strik-  
13          ing “subparagraph (B)(iii)(XVI)” and in-  
14          serting “subparagraph (B)(iv)(XI)”;

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

16          “(F) EFFECTIVE PERIOD.—A tribal energy  
17          resource agreement that takes effect pursuant  
18          to this subsection shall remain in effect to the  
19          extent any provision of the tribal energy re-  
20          source agreement is consistent with applicable  
21          Federal law (including regulations), unless the  
22          tribal energy resource agreement is—

23               “(i) rescinded by the Secretary pursu-  
24               ant to paragraph (7)(D)(iii)(II); or

1 “(ii) voluntarily rescinded by the In-  
 2 dian tribe pursuant to the regulations pro-  
 3 mulgated under paragraph (8)(B) (or suc-  
 4 cessor regulations).”;

5 (C) in paragraph (4), by striking “date of  
 6 disapproval” and all that follows through the  
 7 end of subparagraph (C) and inserting the fol-  
 8 lowing: “date of disapproval, provide the Indian  
 9 tribe with—

10 “(A) a detailed, written explanation of—

11 “(i) each reason for the disapproval;  
 12 and

13 “(ii) the revisions or changes to the  
 14 tribal energy resource agreement necessary  
 15 to address each reason; and

16 “(B) an opportunity to revise and resubmit  
 17 the tribal energy resource agreement.”;

18 (D) in paragraph (6)—

19 (i) in subparagraph (B)—

20 (I) by striking “(B) Subject to”  
 21 and inserting the following:

22 “(B) Subject only to”; and

23 (II) by striking “subparagraph  
 24 (D)” and inserting “subparagraphs  
 25 (C) and (D)”;

1 (ii) in subparagraph (C), in the mat-  
 2 ter preceding clause (i), by inserting “to  
 3 perform the obligations of the Secretary  
 4 under this section and” before “to ensure”;  
 5 and

6 (iii) in subparagraph (D), by adding  
 7 at the end the following:

8 “(iii) Nothing in this section absolves,  
 9 limits, or otherwise affects the liability, if  
 10 any, of the United States for any—

11 “(I) term of any lease, business  
 12 agreement, or right-of-way under this  
 13 section that is not a negotiated term;  
 14 or

15 “(II) losses that are not the re-  
 16 sult of a negotiated term, including  
 17 losses resulting from the failure of the  
 18 Secretary to perform an obligation of  
 19 the Secretary under this section.”;

20 (E) in paragraph (7)—

21 (i) in subparagraph (A), by striking  
 22 “has demonstrated” and inserting “the  
 23 Secretary determines has demonstrated  
 24 with substantial evidence”;

1           (ii) in subparagraph (B), by striking  
2           “any tribal remedy” and inserting “all  
3           remedies (if any) provided under the laws  
4           of the Indian tribe”;

5           (iii) in subparagraph (D)—

6                 (I) in clause (i), by striking “de-  
7                 termine” and all that follows through  
8                 the end of the clause and inserting the  
9                 following: “determine—

10                         “(I) whether the petitioner  
11                         is an interested party; and

12                         “(II) if the petitioner is an  
13                         interested party, whether the In-  
14                         dian tribe is not in compliance  
15                         with the tribal energy resource  
16                         agreement as alleged in the peti-  
17                         tion.”;

18                 (II) in clause (ii), by striking  
19                 “determination” and inserting “deter-  
20                 minations”; and

21                 (III) in clause (iii), in the matter  
22                 preceding subclause (I) by striking  
23                 “agreement” the first place it appears  
24                 and all that follows through “, includ-  
25                 ing” and inserting “agreement pursu-

1 ant to clause (i), the Secretary shall  
 2 only take such action as the Secretary  
 3 determines necessary to address the  
 4 claims of noncompliance made in the  
 5 petition, including”;

6 (iv) in subparagraph (E)(i), by strik-  
 7 ing “the manner in which” and inserting  
 8 “, with respect to each claim made in the  
 9 petition, how”; and

10 (v) by adding at the end the following:

11 “(G) Notwithstanding any other provision  
 12 of this paragraph, the Secretary shall dismiss  
 13 any petition from an interested party that has  
 14 agreed with the Indian tribe to a resolution of  
 15 the claims presented in the petition of that  
 16 party.”;

17 (F) in paragraph (8)—

18 (i) by striking subparagraph (A);

19 (ii) by redesignating subparagraphs  
 20 (B) through (D) as subparagraphs (A)  
 21 through (C), respectively; and

22 (iii) in subparagraph (A) (as redesign-  
 23 nated by clause (ii))—

24 (I) in clause (i), by striking  
 25 “and” at the end;



1 (II) in clause (ii), by adding  
2 “and” after the semicolon; and

3 (III) by adding at the end the  
4 following:

5 “(iii) amend an approved tribal energy  
6 resource agreement to assume authority  
7 for approving leases, business agreements,  
8 or rights-of-way for development of an-  
9 other energy resource that is not included  
10 in an approved tribal energy resource  
11 agreement without being required to apply  
12 for a new tribal energy resource agree-  
13 ment;” and

14 (G) by adding at the end the following:

15 “(9) EFFECT.—Nothing in this section author-  
16 izes the Secretary to deny a tribal energy resource  
17 agreement or any amendment to a tribal energy re-  
18 source agreement, or to limit the effect or implemen-  
19 tation of this section, due to lack of promulgated  
20 regulations.”;

21 (5) by redesignating subsection (g) as sub-  
22 section (j); and

23 (6) by inserting after subsection (f) the fol-  
24 lowing:

1       “(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES  
2 BY THE SECRETARY.—

3           “(1) IN GENERAL.—Any amounts that the Sec-  
4 retary would otherwise expend to operate or carry  
5 out any program, function, service, or activity (or  
6 any portion of a program, function, service, or activ-  
7 ity) of the Department that, as a result of an Indian  
8 tribe carrying out activities under a tribal energy re-  
9 source agreement, the Secretary does not expend,  
10 the Secretary shall, at the request of the Indian  
11 tribe, make available to the Indian tribe in accord-  
12 ance with this subsection.

13           “(2) ANNUAL FUNDING AGREEMENTS.—The  
14 Secretary shall make the amounts described in para-  
15 graph (1) available to an Indian tribe through an  
16 annual written funding agreement that is negotiated  
17 and entered into with the Indian tribe that is sepa-  
18 rate from the tribal energy resource agreement.

19           “(3) EFFECT OF APPROPRIATIONS.—Notwith-  
20 standing paragraph (1)—

21           “(A) the provision of amounts to an Indian  
22 tribe under this subsection is subject to the  
23 availability of appropriations; and

24           “(B) the Secretary shall not be required to  
25 reduce amounts for programs, functions, serv-

1           ices, or activities that serve any other Indian  
2           tribe to make amounts available to an Indian  
3           tribe under this subsection.

4           “(4) DETERMINATION.—

5                 “(A) IN GENERAL.—The Secretary shall  
6           calculate the amounts under paragraph (1) in  
7           accordance with the regulations adopted under  
8           section 11003(b) of the Energy and Natural  
9           Resources Act of 2017.

10                “(B) APPLICABILITY.—The effective date  
11           or implementation of a tribal energy resource  
12           agreement under this section shall not be de-  
13           layed or otherwise affected by—

14                   “(i) a delay in the promulgation of  
15           regulations under section 11003(b) of the  
16           Energy and Natural Resources Act of  
17           2017;

18                   “(ii) the period of time needed by the  
19           Secretary to make the calculation required  
20           under paragraph (1); or

21                   “(iii) the adoption of a funding agree-  
22           ment under paragraph (2).

23           “(h) CERTIFICATION OF TRIBAL ENERGY DEVELOP-  
24   MENT ORGANIZATION.—

1           “(1) IN GENERAL.—Not later than 90 days  
2           after the date on which an Indian tribe submits an  
3           application for certification of a tribal energy devel-  
4           opment organization in accordance with regulations  
5           promulgated under section 11003(b) of the Energy  
6           and Natural Resources Act of 2017, the Secretary  
7           shall approve or disapprove the application.

8           “(2) REQUIREMENTS.—The Secretary shall ap-  
9           prove an application for certification if—

10           “(A)(i) the Indian tribe has carried out a  
11           contract or compact under title I or IV of the  
12           Indian Self-Determination and Education As-  
13           sistance Act (25 U.S.C. 5301 et seq.); and

14           “(ii) for a period of not less than 3 con-  
15           secutive years ending on the date on which the  
16           Indian tribe submits the application, the con-  
17           tract or compact—

18           “(I) has been carried out by the In-  
19           dian tribe without material audit excep-  
20           tions (or without any material audit excep-  
21           tions that were not corrected within the 3-  
22           year period); and

23           “(II) has included programs or activi-  
24           ties relating to the management of tribal  
25           land; and

1           “(B)(i) the tribal energy development orga-  
2           nization is organized under the laws of the In-  
3           dian tribe;

4           “(ii)(I) the majority of the interest in the  
5           tribal energy development organization is owned  
6           and controlled by the Indian tribe (or the In-  
7           dian tribe and one or more other Indian tribes)  
8           the tribal land of which is being developed; and

9           “(II) the organizing document of the tribal  
10          energy development organization requires that  
11          the Indian tribe with jurisdiction over the land  
12          maintain at all times the controlling interest in  
13          the tribal energy development organization;

14          “(iii) the organizing document of the tribal  
15          energy development organization requires that  
16          the Indian tribe (or the Indian tribe and one or  
17          more other Indian tribes) the tribal land of  
18          which is being developed own and control at all  
19          times a majority of the interest in the tribal en-  
20          ergy development organization; and

21          “(iv) the organizing document of the tribal  
22          energy development organization includes a  
23          statement that the organization shall be subject  
24          to the jurisdiction, laws, and authority of the  
25          Indian tribe.

1           “(3) ACTION BY SECRETARY.—If the Secretary  
2       approves an application for certification pursuant to  
3       paragraph (2), the Secretary shall, not more than 10  
4       days after making the determination—

5           “(A) issue a certification stating that—

6           “(i) the tribal energy development or-  
7       ganization is organized under the laws of  
8       the Indian tribe and subject to the juris-  
9       diction, laws, and authority of the Indian  
10      tribe;

11          “(ii) the majority of the interest in  
12      the tribal energy development organization  
13      is owned and controlled by the Indian tribe  
14      (or the Indian tribe and one or more other  
15      Indian tribes) the tribal land of which is  
16      being developed;

17          “(iii) the organizing document of the  
18      tribal energy development organization re-  
19      quires that the Indian tribe with jurisdic-  
20      tion over the land maintain at all times the  
21      controlling interest in the tribal energy de-  
22      velopment organization;

23          “(iv) the organizing document of the  
24      tribal energy development organization re-  
25      quires that the Indian tribe (or the Indian

1           tribe and one or more other Indian tribes  
2           the tribal land of which is being developed)  
3           own and control at all times a majority of  
4           the interest in the tribal energy develop-  
5           ment organization; and

6                   “(v) the certification is issued pursu-  
7           ant this subsection;

8                   “(B) deliver a copy of the certification to  
9           the Indian tribe; and

10                   “(C) publish the certification in the Fed-  
11           eral Register.

12           “(i) SOVEREIGN IMMUNITY.—Nothing in this section  
13           waives the sovereign immunity of an Indian tribe.”.

14           (b) REGULATIONS.—Not later than 1 year after the  
15           date of enactment of the Energy and Natural Resources  
16           Act of 2017, the Secretary shall promulgate or update any  
17           regulations that are necessary to implement this section,  
18           including provisions to implement—

19                   (1) section 2604(e)(8) of the Energy Policy Act  
20           of 1992 (25 U.S.C. 3504(e)(8)), including the proc-  
21           ess to be followed by an Indian tribe amending an  
22           existing tribal energy resource agreement to assume  
23           authority for approving leases, business agreements,  
24           or rights-of-way for development of an energy re-

1 source that is not included in the tribal energy re-  
2 source agreement;

3 (2) section 2604(g) of the Energy Policy Act of  
4 1992 (25 U.S.C. 3504(g)) including the manner in  
5 which the Secretary, at the request of an Indian  
6 tribe, shall—

7 (A) identify the programs, functions, serv-  
8 ices, and activities (or any portions of pro-  
9 grams, functions, services, or activities) that the  
10 Secretary will not have to operate or carry out  
11 as a result of the Indian tribe carrying out ac-  
12 tivities under a tribal energy resource agree-  
13 ment;

14 (B) identify the amounts that the Sec-  
15 retary would have otherwise expended to oper-  
16 ate or carry out each program, function, serv-  
17 ice, and activity (or any portion of a program,  
18 function, service, or activity) identified pursu-  
19 ant to subparagraph (A); and

20 (C) provide to the Indian tribe a list of the  
21 programs, functions, services, and activities (or  
22 any portions of programs, functions, services, or  
23 activities) identified pursuant to subparagraph  
24 (A) and the amounts associated with each pro-  
25 gram, function, service, and activity (or any



1           portion of a program, function, service, or activ-  
 2           ity) identified pursuant to subparagraph (B);  
 3           and

4           (3) section 2604(h) of the Energy Policy Act of  
 5           1992 (25 U.S.C. 3504(h)), including the process to  
 6           be followed by, and any applicable criteria and docu-  
 7           mentation required for, an Indian tribe to request  
 8           and obtain the certification described in that section.

9   **SEC. 11004. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL**  
 10           **GOVERNMENTS.**

11       Section 2602(b) of the Energy Policy Act of 1992  
 12   (25 U.S.C. 3502(b)) is amended—

13           (1) by redesignating paragraphs (3) through  
 14           (6) as paragraphs (4) through (7), respectively; and

15           (2) by inserting after paragraph (2) the fol-  
 16       lowing:

17           “(3)   TECHNICAL   AND   SCIENTIFIC   RE-  
 18       SOURCES.—In addition to providing grants to Indian  
 19       tribes under this subsection, the Secretary shall col-  
 20       laborate with the Directors of the National Labora-  
 21       tories in making the full array of technical and sci-  
 22       entific resources of the Department of Energy avail-  
 23       able for tribal energy activities and projects.”.

1 **SEC. 11005. CONFORMING AMENDMENTS.**

2 (a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT  
3 ORGANIZATION.—Section 2601 of the Energy Policy Act  
4 of 1992 (25 U.S.C. 3501) is amended—

5 (1) by redesignating paragraphs (9) through  
6 (12) as paragraphs (10) through (13), respectively;

7 (2) by inserting after paragraph (8) the fol-  
8 lowing:

9 “(9) The term ‘qualified Indian tribe’ means an  
10 Indian tribe that has—

11 “(A) carried out a contract or compact  
12 under title I or IV of the Indian Self-Deter-  
13 mination and Education Assistance Act (25  
14 U.S.C. 5301 et seq.) for a period of not less  
15 than 3 consecutive years ending on the date on  
16 which the Indian tribe submits the application  
17 without material audit exception (or without  
18 any material audit exceptions that were not cor-  
19 rected within the 3-year period) relating to the  
20 management of tribal land or natural resources;  
21 or

22 “(B) substantial experience in the adminis-  
23 tration, review, or evaluation of energy resource  
24 leases or agreements or has otherwise substan-  
25 tially participated in the administration, man-  
26 agement, or development of energy resources lo-

1 cated on the tribal land of the Indian tribe.”;  
2 and

3 (3) by striking paragraph (12) (as redesignated  
4 by paragraph (1)) and inserting the following:

5 “(12) The term ‘tribal energy development or-  
6 ganization’ means—

7 “(A) any enterprise, partnership, consor-  
8 tium, corporation, or other type of business or-  
9 ganization that is engaged in the development  
10 of energy resources and is wholly owned by an  
11 Indian tribe (including an organization incor-  
12 porated pursuant to section 17 of the Act of  
13 June 18, 1934 (25 U.S.C. 5124) (commonly  
14 known as the “Indian Reorganization Act”) or  
15 section 3 of the Act of June 26, 1936 (49 Stat.  
16 1967, chapter 831) (commonly known as the  
17 ‘Oklahoma Indian Welfare Act’)); and

18 “(B) any organization of two or more enti-  
19 ties, at least one of which is an Indian tribe,  
20 that has the written consent of the governing  
21 bodies of all Indian tribes participating in the  
22 organization to apply for a grant, loan, or other  
23 assistance under section 2602 or to enter into  
24 a lease or business agreement with, or acquire  
25 a right-of-way from, an Indian tribe pursuant

1 to subsection (a)(2)(A)(ii) or (b)(2)(B) of sec-  
2 tion 2604.”.

3 (b) INDIAN TRIBAL ENERGY RESOURCE DEVELOP-  
4 MENT.—Section 2602 of the Energy Policy Act of 1992  
5 (25 U.S.C. 3502) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “tribal  
8 energy resource development organizations”  
9 and inserting “tribal energy development orga-  
10 nizations”; and

11 (B) in paragraph (2), by striking “tribal  
12 energy resource development organizations”  
13 each place the term appears and inserting  
14 “tribal energy development organizations”; and

15 (2) in subsection (b)(2), by striking “tribal en-  
16 ergy resource development organization” and insert-  
17 ing “tribal energy development organization”.

18 (c) WIND AND HYDROPOWER FEASIBILITY STUDY.—  
19 Section 2606(c)(3) of the Energy Policy Act of 1992 (25  
20 U.S.C. 3506(c)(3)) is amended by striking “energy re-  
21 source development” and inserting “energy development”.

22 (d) CONFORMING AMENDMENTS.—Section 2604(e)  
23 of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is  
24 amended—

25 (1) in paragraph (3)—

1 (A) by striking “(3) The Secretary” and  
 2 inserting the following:

3 “(3) NOTICE AND COMMENT; SECRETARIAL RE-  
 4 VIEW.—The Secretary”; and

5 (B) by striking “for approval”;

6 (2) in paragraph (4), by striking “(4) If the  
 7 Secretary” and inserting the following:

8 “(4) ACTION IN CASE OF DISAPPROVAL.—If the  
 9 Secretary”;

10 (3) in paragraph (5)—

11 (A) by striking “(5) If an Indian tribe”  
 12 and inserting the following:

13 “(5) PROVISION OF DOCUMENTS TO SEC-  
 14 RETARY.—If an Indian tribe”; and

15 (B) in the matter preceding subparagraph  
 16 (A), by striking “approved” and inserting “in  
 17 effect”;

18 (4) in paragraph (6)—

19 (A) by striking “(6)(A) In carrying out”  
 20 and inserting the following:

21 “(6) SECRETARIAL OBLIGATIONS AND EFFECT  
 22 OF SECTION.—

23 “(A) In carrying out”;

24 (B) in subparagraph (A), by indenting  
 25 clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking “approved” and inserting “in effect”; and

(D) in subparagraph (D)—

(i) in clause (i), by striking “an approved tribal energy resource agreement” and inserting “a tribal energy resource agreement in effect under this section”; and

(ii) in clause (ii), by striking “approved by the Secretary” and inserting “in effect”; and

(5) in paragraph (7)—

(A) by striking “(7)(A) In this paragraph” and inserting the following:

“(7) PETITIONS BY INTERESTED PARTIES.—

“(A) In this paragraph”;

(B) in subparagraph (A), by striking “approved by the Secretary” and inserting “in effect”;

(C) in subparagraph (B), by striking “approved by the Secretary” and inserting “in effect”; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking “approved”; and

1 (ii) in subclause (II)—

2 (I) by striking “approval of” in  
3 the first place it appears; and

4 (II) by striking “subsection (a)  
5 or (b)” and inserting “subsection  
6 (a)(2)(A)(i) or (b)(2)(A)”.

7 **SEC. 11006. REPORT.**

8 (a) IN GENERAL.—Not later than 18 months after  
9 the date of enactment of this Act, the Secretary shall sub-  
10 mit to the Committee on Indian Affairs of the Senate and  
11 the Committee on Natural Resources of the House of Rep-  
12 resentatives a report that details with respect to activities  
13 for energy development on Indian land, how the Depart-  
14 ment—

15 (1) processes and completes the reviews of en-  
16 ergy-related documents in a timely and transparent  
17 manner;

18 (2) monitors the timeliness of agency review for  
19 all energy-related documents;

20 (3) maintains databases to track and monitor  
21 the review and approval process for energy-related  
22 documents associated with conventional and renew-  
23 able Indian energy resources that require Secretarial  
24 approval prior to development, including—

25 (A) any seismic exploration permits;

- 1 (B) permission to survey;
- 2 (C) archeological and cultural surveys;
- 3 (D) access permits;
- 4 (E) environmental assessments;
- 5 (F) oil and gas leases;
- 6 (G) surface leases;
- 7 (H) rights-of-way agreements; and
- 8 (I) communitization agreements;

9 (4) identifies in the databases—

- 10 (A) the date lease applications and permits
- 11 are received by the agency;
- 12 (B) the status of the review;
- 13 (C) the date the application or permit is
- 14 considered complete and ready for review;
- 15 (D) the date of approval; and
- 16 (E) the start and end dates for any signifi-
- 17 cant delays in the review process;

18 (5) tracks in the databases, for all energy-re-

19 lated leases, agreements, applications, and permits

20 that involve multiple agency review—

- 21 (A) the dates documents are transferred
- 22 between agencies;
- 23 (B) the status of the review;
- 24 (C) the date the required reviews are com-
- 25 pleted; and



1 (D) the date interim or final decisions are  
2 issued.

3 (b) INCLUSIONS.—The report under subsection (a)  
4 shall include—

5 (1) a description of any intermediate and final  
6 deadlines for agency action on any Secretarial review  
7 and approval required for Indian conventional and  
8 renewable energy exploration and development ac-  
9 tivities;

10 (2) a description of the existing geographic  
11 database established by the Bureau of Indian Af-  
12 fairs, explaining—

13 (A) how the database identifies—

14 (i) the location and ownership of all  
15 Indian oil and gas resources held in trust;

16 (ii) resources available for lease; and

17 (iii) the location of—

18 (I) any lease of land held in trust  
19 or restricted fee on behalf of any In-  
20 dian tribe or individual Indian; and

21 (II) any rights-of-way on that  
22 land in effect;

23 (B) how the information from the database  
24 is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

## **Subtitle B—Miscellaneous Amendments**

### **SEC. 11101. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.**

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking “States and municipalities” and inserting “States, Indian tribes, and municipalities”.

1 (b) APPLICABILITY.—The amendment made by sub-  
2 section (a) shall not affect—

3 (1) any preliminary permit or original license  
4 issued before the date of enactment of the Energy  
5 and Natural Resources Act of 2017; or

6 (2) an application for an original license, if the  
7 Commission has issued a notice accepting that appli-  
8 cation for filing pursuant to section 4.32(d) of title  
9 18, Code of Federal Regulations (or successor regu-  
10 lations), before the date of enactment of the Energy  
11 and Natural Resources Act of 2017.

12 (c) DEFINITION OF INDIAN TRIBE.—For purposes of  
13 section 7(a) of the Federal Power Act (16 U.S.C. 800(a))  
14 (as amended by subsection (a)), the term “Indian tribe”  
15 has the meaning given the term in section 4 of the Indian  
16 Self-Determination and Education Assistance Act (25  
17 U.S.C. 5304).

18 **SEC. 11102. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

19 (a) PURPOSE.—The purpose of this section is to es-  
20 tablish a biomass demonstration project for federally rec-  
21 ognized Indian tribes and Alaska Native corporations to  
22 promote biomass energy production.

23 (b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—  
24 The Tribal Forest Protection Act of 2004 (25 U.S.C.  
25 3115a) is amended—

1           (1) in section 2(a), by striking “In this section”  
2           and inserting “In this Act”; and

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

4   **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

5           “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-  
6   MENTS.—For each of fiscal years 2017 through 2021, the  
7   Secretary shall enter into stewardship contracts or similar  
8   agreements (excluding direct service contracts) with In-  
9   dian tribes to carry out demonstration projects to promote  
10   biomass energy production (including biofuel, heat, and  
11   electricity generation) on Indian forest land and in nearby  
12   communities by providing reliable supplies of woody bio-  
13   mass from Federal land.

14          “(b) DEMONSTRATION PROJECTS.—In each fiscal  
15   year for which projects are authorized, at least 4 new dem-  
16   onstration projects that meet the eligibility criteria de-  
17   scribed in subsection (c) shall be carried out under con-  
18   tracts or agreements described in subsection (a).

19          “(c) ELIGIBILITY CRITERIA.—To be eligible to enter  
20   into a contract or agreement under this section, an Indian  
21   tribe shall submit to the Secretary an application—

22               “(1) containing such information as the Sec-  
23   retary may require; and

24               “(2) that includes a description of—

1           “(A) the Indian forest land or rangeland  
2           under the jurisdiction of the Indian tribe; and

3           “(B) the demonstration project proposed  
4           to be carried out by the Indian tribe.

5       “(d) SELECTION.—In evaluating the applications  
6 submitted under subsection (c), the Secretary shall—

7           “(1) take into consideration—

8           “(A) the factors set forth in paragraphs  
9           (1) and (2) of section 2(e); and

10          “(B) whether a proposed project would—

11           “(i) increase the availability or reli-  
12           ability of local or regional energy;

13           “(ii) enhance the economic develop-  
14           ment of the Indian tribe;

15           “(iii) result in or improve the connec-  
16           tion of electric power transmission facilities  
17           serving the Indian tribe with other electric  
18           transmission facilities;

19           “(iv) improve the forest health or wa-  
20           tersheds of Federal land or Indian forest  
21           land or rangeland;

22           “(v) demonstrate new investments in  
23           infrastructure; or

24           “(vi) otherwise promote the use of  
25           woody biomass; and

1           “(2) exclude from consideration any merchant-  
2           able logs that have been identified by the Secretary  
3           for commercial sale.

4           “(e) IMPLEMENTATION.—The Secretary shall—

5           “(1) ensure that the criteria described in sub-  
6           section (c) are publicly available by not later than  
7           120 days after the date of enactment of this section;  
8           and

9           “(2) to the maximum extent practicable, consult  
10          with Indian tribes and appropriate intertribal orga-  
11          nizations likely to be affected in developing the ap-  
12          plication and otherwise carrying out this section.

13          “(f) REPORT.—Not later than September 20, 2019,  
14          the Secretary shall submit to Congress a report that de-  
15          scribes, with respect to the reporting period—

16          “(1) each individual tribal application received  
17          under this section; and

18          “(2) each contract and agreement entered into  
19          pursuant to this section.

20          “(g) INCORPORATION OF MANAGEMENT PLANS.—In  
21          carrying out a contract or agreement under this section,  
22          on receipt of a request from an Indian tribe, the Secretary  
23          shall incorporate into the contract or agreement, to the  
24          maximum extent practicable, management plans (includ-  
25          ing forest management and integrated resource manage-

1 ment plans) in effect on the Indian forest land or range-  
 2 land of the respective Indian tribe.

3 “(h) TERM.—A contract or agreement entered into  
 4 under this section—

5 “(1) shall be for a term of not more than 20  
 6 years; and

7 “(2) may be renewed in accordance with this  
 8 section for not more than an additional 10 years.”.

9 (c) ALASKA NATIVE BIOMASS DEMONSTRATION  
 10 PROJECT.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) FEDERAL LAND.—The term “Federal  
 13 land” means—

14 (i) land of the National Forest System  
 15 (as defined in section 11(a) of the Forest  
 16 and Rangeland Renewable Resources Plan-  
 17 ning Act of 1974 (16 U.S.C. 1609(a)) ad-  
 18 ministered by the Secretary of Agriculture,  
 19 acting through the Chief of the Forest  
 20 Service; and

21 (ii) public lands (as defined in section  
 22 103 of the Federal Land Policy and Man-  
 23 agement Act of 1976 (43 U.S.C. 1702)),  
 24 the surface of which is administered by the  
 25 Secretary of the Interior, acting through

1 the Director of the Bureau of Land Man-  
2 agement.

3 (B) INDIAN TRIBE.—The term “Indian  
4 tribe” has the meaning given the term in sec-  
5 tion 4 of the Indian Self-Determination and  
6 Education Assistance Act (25 U.S.C. 5304).

7 (C) SECRETARY.—The term “Secretary”  
8 means—

9 (i) the Secretary of Agriculture, with  
10 respect to land under the jurisdiction of  
11 the Forest Service; and

12 (ii) the Secretary of the Interior, with  
13 respect to land under the jurisdiction of  
14 the Bureau of Land Management.

15 (D) TRIBAL ORGANIZATION.—The term  
16 “tribal organization” has the meaning given the  
17 term in section 4 of the Indian Self-Determina-  
18 tion and Education Assistance Act (25 U.S.C.  
19 5304).

20 (2) AGREEMENTS.—For each of fiscal years  
21 2017 through 2021, the Secretary shall enter into  
22 an agreement or contract with an Indian tribe or a  
23 tribal organization to carry out a demonstration  
24 project to promote biomass energy production (in-  
25 cluding biofuel, heat, and electricity generation) by



1 providing reliable supplies of woody biomass from  
2 Federal land.

3 (3) DEMONSTRATION PROJECTS.—In each fiscal  
4 year for which projects are authorized, at least 1  
5 new demonstration project that meets the eligibility  
6 criteria described in paragraph (4) shall be carried  
7 out under contracts or agreements described in  
8 paragraph (2).

9 (4) ELIGIBILITY CRITERIA.—To be eligible to  
10 enter into a contract or agreement under this sub-  
11 section, an Indian tribe or tribal organization shall  
12 submit to the Secretary an application—

13 (A) containing such information as the  
14 Secretary may require; and

15 (B) that includes a description of the dem-  
16 onstration project proposed to be carried out by  
17 the Indian tribe or tribal organization.

18 (5) SELECTION.—In evaluating the applications  
19 submitted under paragraph (4), the Secretary  
20 shall—

21 (A) take into consideration whether a pro-  
22 posed project would—

23 (i) increase the availability or reli-  
24 ability of local or regional energy;

1 (ii) enhance the economic development  
2 of the Indian tribe;

3 (iii) result in or improve the connec-  
4 tion of electric power transmission facilities  
5 serving the Indian tribe with other electric  
6 transmission facilities;

7 (iv) improve the forest health or wa-  
8 tersheds of Federal land or non-Federal  
9 land;

10 (v) demonstrate new investments in  
11 infrastructure; or

12 (vi) otherwise promote the use of  
13 woody biomass; and

14 (B) exclude from consideration any mer-  
15 chantable logs that have been identified by the  
16 Secretary for commercial sale.

17 (6) IMPLEMENTATION.—The Secretary shall—

18 (A) ensure that the criteria described in  
19 paragraph (4) are publicly available by not later  
20 than 120 days after the date of enactment of  
21 this Act; and

22 (B) to the maximum extent practicable,  
23 consult with Indian tribes and appropriate trib-  
24 al organizations likely to be affected in devel-

1           oping the application and otherwise carrying  
2           out this subsection.

3           (7) REPORT.—Not later than September 20,  
4           2019, the Secretary shall submit to Congress a re-  
5           port that describes, with respect to the reporting pe-  
6           riod—

7                   (A) each individual application received  
8                   under this subsection; and

9                   (B) each contract and agreement entered  
10                  into pursuant to this subsection.

11           (8) TERM.—A contract or agreement entered  
12           into under this subsection—

13                   (A) shall be for a term of not more than  
14                   20 years; and

15                   (B) may be renewed in accordance with  
16                  this subsection for not more than an additional  
17                  10 years.

18 **SEC. 11103. WEATHERIZATION PROGRAM.**

19           Section 413(d) of the Energy Conservation and Pro-  
20           duction Act (42 U.S.C. 6863(d)) is amended—

21                   (1) by striking paragraph (1) and inserting the  
22                  following:

23                   “(1) RESERVATION OF AMOUNTS.—

24                           “(A) IN GENERAL.—Subject to subpara-  
25                           graph (B) and notwithstanding any other provi-

1 sion of this part, the Secretary shall reserve  
2 from amounts that would otherwise be allocated  
3 to a State under this part not less than 100  
4 percent, but not more than 150 percent, of an  
5 amount which bears the same proportion to the  
6 allocation of that State for the applicable fiscal  
7 year as the population of all low-income mem-  
8 bers of an Indian tribe in that State bears to  
9 the population of all low-income individuals in  
10 that State.

11 “(B) RESTRICTIONS.—Subparagraph (A)  
12 shall apply only if—

13 “(i) the tribal organization serving the  
14 low-income members of the applicable In-  
15 dian tribe requests that the Secretary  
16 make a grant directly; and

17 “(ii) the Secretary determines that  
18 the low-income members of the applicable  
19 Indian tribe would be equally or better  
20 served by making a grant directly than a  
21 grant made to the State in which the low-  
22 income members reside.

23 “(C) PRESUMPTION.—If the tribal organi-  
24 zation requesting the grant is a tribally des-  
25 ignated housing entity (as defined in section 4

1 of the Native American Housing Assistance and  
2 Self-Determination Act of 1996 (25 U.S.C.  
3 4103)) that has operated without material audit  
4 exceptions (or without any material audit excep-  
5 tions that were not corrected within a 3-year  
6 period), the Secretary shall presume that the  
7 low-income members of the applicable Indian  
8 tribe would be equally or better served by mak-  
9 ing a grant directly to the tribal organization  
10 than by a grant made to the State in which the  
11 low-income members reside.”;

12 (2) in paragraph (2)—

13 (A) by striking “The sums” and inserting  
14 “ADMINISTRATION.—The amounts”;

15 (B) by striking “on the basis of his deter-  
16 mination”;

17 (C) by striking “individuals for whom such  
18 a determination has been made” and inserting  
19 “low-income members of the Indian tribe”; and

20 (D) by striking “he” and inserting “the  
21 Secretary”; and

22 (3) in paragraph (3), by striking “In order”  
23 and inserting “APPLICATION.—In order”.

1 **SEC. 11104. APPRAISALS.**

2 (a) IN GENERAL.—Title XXVI of the Energy Policy  
3 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-  
4 ing at the end the following:

5 **“SEC. 2607. APPRAISALS.**

6 “(a) IN GENERAL.—For any transaction that re-  
7 quires approval of the Secretary and involves mineral or  
8 energy resources held in trust by the United States for  
9 the benefit of an Indian tribe or by an Indian tribe subject  
10 to Federal restrictions against alienation, any appraisal  
11 relating to fair market value of those resources required  
12 to be prepared under applicable law may be prepared by—

13 “(1) the Secretary;

14 “(2) the affected Indian tribe; or

15 “(3) a certified, third-party appraiser pursuant  
16 to a contract with the Indian tribe.

17 “(b) SECRETARIAL REVIEW AND APPROVAL.—Not  
18 later than 45 days after the date on which the Secretary  
19 receives an appraisal prepared by or for an Indian tribe  
20 under paragraph (2) or (3) of subsection (a), the Sec-  
21 retary shall—

22 “(1) review the appraisal; and

23 “(2) approve the appraisal unless the Secretary  
24 determines that the appraisal fails to meet the  
25 standards set forth in regulations promulgated  
26 under subsection (d).

1       “(c) NOTICE OF DISAPPROVAL.—If the Secretary de-  
 2 termines that an appraisal submitted for approval under  
 3 subsection (b) should be disapproved, the Secretary shall  
 4 give written notice of the disapproval to the Indian tribe  
 5 and a description of—

6               “(1) each reason for the disapproval; and

7               “(2) how the appraisal should be corrected or  
 8 otherwise cured to meet the applicable standards set  
 9 forth in the regulations promulgated under sub-  
 10 section (d).

11       “(d) REGULATIONS.—The Secretary shall promul-  
 12 gate regulations to carry out this section, including stand-  
 13 ards the Secretary shall use for approving or disapproving  
 14 the appraisal described in subsection (a).”.

15 **SEC. 11105. LEASES OF RESTRICTED LANDS FOR NAVAJO**  
 16 **NATION.**

17       (a) IN GENERAL.—Subsection (e)(1) of the first sec-  
 18 tion of the Act of August 9, 1955 (commonly known as  
 19 the “Long-Term Leasing Act”) (25 U.S.C. 415(e)(1)), is  
 20 amended—

21               (1) by striking “, except a lease for” and insert-  
 22 ing “, including a lease for”;

23               (2) by striking subparagraph (A) and inserting  
 24 the following:

1           “(A) in the case of a business or agricul-  
2           tural lease, 99 years;”;

3           (3) in subparagraph (B), by striking the period  
4           at the end and inserting “; and”; and

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

6           “(C) in the case of a lease for the explo-  
7           ration, development, or extraction of any min-  
8           eral resource (including geothermal resources),  
9           25 years, except that—

10           “(i) any such lease may include an op-  
11           tion to renew for 1 additional term of not  
12           to exceed 25 years; and

13           “(ii) any such lease for the explo-  
14           ration, development, or extraction of an oil  
15           or gas resource shall be for a term of not  
16           to exceed 10 years, plus such additional  
17           period as the Navajo Nation determines to  
18           be appropriate in any case in which an oil  
19           or gas resource is produced in a paying  
20           quantity.”.

21           (b) GAO REPORT.—Not later than 5 years after the  
22           date of enactment of this Act, the Comptroller General  
23           of the United States shall prepare and submit to Congress  
24           a report describing the progress made in carrying out the  
25           amendment made by subsection (a).



1 **SEC. 11106. EXTENSION OF TRIBAL LEASE PERIOD FOR THE**  
2 **CROW TRIBE OF MONTANA.**

3 Subsection (a) of the first section of the Act of Au-  
4 gust 9, 1955 (25 U.S.C. 415(a)), is amended in the second  
5 sentence by inserting “, land held in trust for the Crow  
6 Tribe of Montana” after “Devils Lake Sioux Reserva-  
7 tion”.

8 **SEC. 11107. TRUST STATUS OF LEASE PAYMENTS.**

9 (a) TREATMENT OF LEASE PAYMENTS.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2) and at the request of the Indian tribe or  
12 individual Indian, any advance payments, bid depos-  
13 its, or other earnest money received by the Secretary  
14 in connection with the review and Secretarial ap-  
15 proval under any other Federal law (including regu-  
16 lations) of a sale, lease, permit, or any other convey-  
17 ance of any interest in any trust or restricted land  
18 of any Indian tribe or individual Indian shall, upon  
19 receipt and prior to Secretarial approval of the con-  
20 tract or conveyance instrument, be held in the trust  
21 fund system for the benefit of the Indian tribe and  
22 individual Indian from whose land the funds were  
23 generated.

24 (2) RESTRICTION.—If the advance payment,  
25 bid deposit, or other earnest money received by the  
26 Secretary results from competitive bidding, upon se-

1       lection of the successful bidder, only the funds paid  
2       by the successful bidder shall be held in the trust  
3       fund system.

4       (b) USE OF FUNDS.—

5           (1) IN GENERAL.—On the approval of the Sec-  
6       retary of a contract or other instrument for a sale,  
7       lease, permit, or any other conveyance described in  
8       subsection (a)(1), the funds held in the trust fund  
9       system and described in subsection (a), along with  
10      all income generated from the investment of those  
11      funds, shall be disbursed to the Indian tribe or indi-  
12      vidual Indian landowners.

13          (2) ADMINISTRATION.—If a contract or other  
14      instrument for a sale, lease, permit, or any other  
15      conveyance described in subsection (a)(1) is not ap-  
16      proved by the Secretary, the funds held in the trust  
17      fund system and described in subsection (a), along  
18      with all income generated from the investment of  
19      those funds, shall be paid to the party identified in,  
20      and in such amount and on such terms as set out  
21      in, the applicable regulations, advertisement, or  
22      other notice governing the proposed conveyance of  
23      the interest in the land at issue.

24          (c) APPLICABILITY.—This section shall apply to any  
25      advance payment, bid deposit, or other earnest money re-

1 ceived by the Secretary in connection with the review and  
2 Secretarial approval under any other Federal law (includ-  
3 ing regulations) of a sale, lease, permit, or any other con-  
4 veyance of any interest in any trust or restricted land of  
5 any Indian tribe or individual Indian on or after the date  
6 of enactment of this Act.

Calendar No. 162

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 1460**

**A BILL**

To provide for the modernization of the energy and natural resources policies of the United States, and for other purposes.

JUNE 29, 2017

Read the second time and placed on the calendar