

In the House of Representatives, U. S.,

May 25, 2016.

Resolved, That the bill from the Senate (S. 2012) entitled “An Act to provide for the modernization of the energy policy of the United States, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“North American Energy Security and Infrastructure Act*
4 *of 2016”.*

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

Sec. 1. Short title; table of contents.

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INFRASTRUCTURE***

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Subtitle F—Advanced Research Projects Agency—Energy

- Sec. 671. ARPA—E amendments.*

Subtitle G—Authorization of Appropriations

- Sec. 681. Authorization of appropriations.*

Subtitle H—Definitions

- Sec. 691. Definitions.*

TITLE VII—DEPARTMENT OF ENERGY TECHNOLOGY TRANSFER

Subtitle A—In General

- Sec. 701. Definitions.*
Sec. 702. Savings clause.

Subtitle B—Innovation Management at Department of Energy

- Sec. 712. Technology transfer and transitions assessment.*
Sec. 713. Sense of Congress.
Sec. 714. Nuclear energy innovation.

Subtitle C—Cross-Sector Partnerships and Grant Competitiveness

- Sec. 721. Agreements for Commercializing Technology pilot program.*
Sec. 722. Public-private partnerships for commercialization.
Sec. 723. Inclusion of early-stage technology demonstration in authorized technology transfer activities.
Sec. 724. Funding competitiveness for institutions of higher education and other nonprofit institutions.
Sec. 725. Participation in the Innovation Corps program.

Subtitle D—Assessment of Impact

- Sec. 731. Report by Government Accountability Office.*

TITLE XXXIII—NUCLEAR ENERGY INNOVATION CAPABILITIES

- Sec. 3301. Short title.*
Sec. 3302. Nuclear energy.
Sec. 3303. Nuclear energy research programs.
Sec. 3304. Advanced fuel cycle initiative.
Sec. 3305. University nuclear science and engineering support.
Sec. 3306. Department of Energy civilian nuclear infrastructure and facilities.
Sec. 3307. Security of nuclear facilities.
Sec. 3308. High-performance computation and supportive research.
Sec. 3309. Enabling nuclear energy innovation.
Sec. 3310. Budget plan.
Sec. 3311. Conforming amendments.

1 ***DIVISION A—NORTH AMERICAN***
 2 ***ENERGY SECURITY AND IN-***
 3 ***FRASTRUCTURE***

4 ***SEC. 1. SHORT TITLE.***

- 5 *This division may be cited as the “North American*
 6 *Energy Security and Infrastructure Act of 2016”.*

1 **TITLE I—MODERNIZING AND**
2 **PROTECTING INFRASTRUCTURE**
3 **Subtitle A—Energy Delivery,**
4 **Reliability, and Security**

5 **SEC. 1101. FERC PROCESS COORDINATION.**

6 *Section 15 of the Natural Gas Act (15 U.S.C. 717n)*
7 *is amended—*

8 *(1) by amending subsection (b)(2) to read as fol-*
9 *lows:*

10 “(2) *OTHER AGENCIES.—*

11 “(A) *IN GENERAL.—Each Federal and State*
12 *agency considering an aspect of an application*
13 *for Federal authorization shall cooperate with*
14 *the Commission and comply with the deadlines*
15 *established by the Commission.*

16 “(B) *IDENTIFICATION.—The Commission*
17 *shall identify, as early as practicable after it is*
18 *notified by a prospective applicant of a potential*
19 *project requiring Commission authorization, any*
20 *Federal or State agency, local government, or In-*
21 *Indian tribe that may consider an aspect of an ap-*
22 *plication for that Federal authorization.*

23 “(C) *NOTIFICATION.—*

24 “(i) *IN GENERAL.—The Commission*
25 *shall notify any agency identified under*

1 *subparagraph (B) of the opportunity to co-*
 2 *operate or participate in the review process.*

3 “(i) *DEADLINE.*—*A notification issued*
 4 *under clause (i) shall establish a deadline*
 5 *by which a response to the notification shall*
 6 *be submitted, which may be extended by the*
 7 *Commission for good cause.”;*

8 (2) *in subsection (c)*—

9 (A) *in paragraph (1)*—

10 (i) *by striking “and” at the end of sub-*
 11 *paragraph (A);*

12 (ii) *by redesignating subparagraph (B)*
 13 *as subparagraph (C); and*

14 (iii) *by inserting after subparagraph*
 15 *(A) the following new subparagraph:*

16 “(B) *set deadlines for all such Federal au-*
 17 *thorizations; and”;*

18 (B) *by striking paragraph (2); and*

19 (C) *by adding at the end the following new*
 20 *paragraphs:*

21 “(2) *DEADLINE FOR FEDERAL AUTHORIZA-*
 22 *TIONS.*—*A final decision on a Federal authorization*
 23 *is due no later than 90 days after the Commission*
 24 *issues its final environmental document, unless a*
 25 *schedule is otherwise established by Federal law.*

1 “(3) *CONCURRENT REVIEWS.*—*Each Federal and*
2 *State agency considering an aspect of an application*
3 *for a Federal authorization shall—*

4 “(A) *carry out the obligations of that agen-*
5 *cy under applicable law concurrently, and in*
6 *conjunction, with the review required by the Na-*
7 *tional Environmental Policy Act of 1969 (42*
8 *U.S.C. 4321 et seq.), unless doing so would im-*
9 *pair the ability of the agency to conduct needed*
10 *analysis or otherwise carry out those obligations;*

11 “(B) *formulate and implement administra-*
12 *tive, policy, and procedural mechanisms to en-*
13 *able the agency to ensure completion of required*
14 *Federal authorizations no later than 90 days*
15 *after the Commission issues its final environ-*
16 *mental document; and*

17 “(C) *transmit to the Commission a state-*
18 *ment—*

19 “(i) *acknowledging receipt of the sched-*
20 *ule established under paragraph (1); and*

21 “(ii) *setting forth the plan formulated*
22 *under subparagraph (B) of this paragraph.*

23 “(4) *ISSUE IDENTIFICATION AND RESOLUTION.*—

24 “(A) *IDENTIFICATION.*—*Federal and State*
25 *agencies that may consider an aspect of an ap-*

1 *plication for Federal authorization shall iden-*
2 *tify, as early as possible, any issues of concern*
3 *that may delay or prevent an agency from work-*
4 *ing with the Commission to resolve such issues*
5 *and granting such authorization.*

6 “(B) *ISSUE RESOLUTION.*—*The Commission*
7 *may forward any issue of concern identified*
8 *under subparagraph (A) to the heads of the rel-*
9 *evant agencies (including, in the case of a failure*
10 *by the State agency, the Federal agency over-*
11 *seeing the delegated authority) for resolution.*

12 “(5) *FAILURE TO MEET SCHEDULE.*—*If a Fed-*
13 *eral or State agency does not complete a proceeding*
14 *for an approval that is required for a Federal author-*
15 *ization in accordance with the schedule established by*
16 *the Commission under paragraph (1)—*

17 “(A) *the applicant may pursue remedies*
18 *under section 19(d); and*

19 “(B) *the head of the relevant Federal agency*
20 *(including, in the case of a failure by a State*
21 *agency, the Federal agency overseeing the dele-*
22 *gated authority) shall notify Congress and the*
23 *Commission of such failure and set forth a rec-*
24 *ommended implementation plan to ensure com-*
25 *pletion of the proceeding for an approval.”;*

1 (3) by redesignating subsections (d) through (f)
2 as subsections (g) through (i), respectively; and

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

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

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

17 “(f) *ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.*—
18 For applications requiring multiple Federal authorizations,
19 the Commission, with input from any Federal or State
20 agency considering an aspect of an application, shall track
21 and make available to the public on the Commission’s
22 website information related to the actions required to com-
23 plete permitting, reviews, and other actions required. Such
24 information shall include the following:

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

3 “(2) *A list of all the actions required by each ap-*
4 *licable agency to complete permitting, reviews, and*
5 *other actions necessary to obtain a final decision on*
6 *the Federal authorization.*”

7 “(3) *The expected completion date for each such*
8 *action.*”

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

11 “(5) *In the event that an action is still pending*
12 *as of the expected date of completion, a brief expla-*
13 *nation of the reasons for the delay.*”

14 **SEC. 1102. RESOLVING ENVIRONMENTAL AND GRID RELI-**
15 **ABILITY CONFLICTS.**

16 (a) *COMPLIANCE WITH OR VIOLATION OF ENVIRON-*
17 *MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Sec-*
18 *tion 202(c) of the Federal Power Act (16 U.S.C. 824a(c))*
19 *is amended—*

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

21 (2) *by adding at the end the following:*

22 “(2) *With respect to an order issued under this sub-*
23 *section that may result in a conflict with a requirement*
24 *of any Federal, State, or local environmental law or regula-*
25 *tion, the Commission shall ensure that such order requires*

1 *generation, delivery, interchange, or transmission of electric*
2 *energy only during hours necessary to meet the emergency*
3 *and serve the public interest, and, to the maximum extent*
4 *practicable, is consistent with any applicable Federal,*
5 *State, or local environmental law or regulation and mini-*
6 *mizes any adverse environmental impacts.*

7 “(3) *To the extent any omission or action taken by*
8 *a party, that is necessary to comply with an order issued*
9 *under this subsection, including any omission or action*
10 *taken to voluntarily comply with such order, results in non-*
11 *compliance with, or causes such party to not comply with,*
12 *any Federal, State, or local environmental law or regula-*
13 *tion, such omission or action shall not be considered a viola-*
14 *tion of such environmental law or regulation, or subject*
15 *such party to any requirement, civil or criminal liability,*
16 *or a citizen suit under such environmental law or regula-*
17 *tion.*

18 “(4)(A) *An order issued under this subsection that*
19 *may result in a conflict with a requirement of any Federal,*
20 *State, or local environmental law or regulation shall expire*
21 *not later than 90 days after it is issued. The Commission*
22 *may renew or reissue such order pursuant to paragraphs*
23 *(1) and (2) for subsequent periods, not to exceed 90 days*
24 *for each period, as the Commission determines necessary to*
25 *meet the emergency and serve the public interest.*

1 “(B) In renewing or reissuing an order under sub-
2 paragraph (A), the Commission shall consult with the pri-
3 mary Federal agency with expertise in the environmental
4 interest protected by such law or regulation, and shall in-
5 clude in any such renewed or reissued order such conditions
6 as such Federal agency determines necessary to minimize
7 any adverse environmental impacts to the extent prac-
8 ticable. The conditions, if any, submitted by such Federal
9 agency shall be made available to the public. The Commis-
10 sion may exclude such a condition from the renewed or re-
11 issued order if it determines that such condition would pre-
12 vent the order from adequately addressing the emergency
13 necessitating such order and provides in the order, or other-
14 wise makes publicly available, an explanation of such deter-
15 mination.

16 “(5) If an order issued under this subsection is subse-
17 quently stayed, modified, or set aside by a court pursuant
18 to section 313 or any other provision of law, any omission
19 or action previously taken by a party that was necessary
20 to comply with the order while the order was in effect, in-
21 cluding any omission or action taken to voluntarily comply
22 with the order, shall remain subject to paragraph (3).”.

23 (b) TEMPORARY CONNECTION OR CONSTRUCTION BY
24 MUNICIPALITIES.—Section 202(d) of the Federal Power Act
25 (16 U.S.C. 824a(d)) is amended by inserting “or municipi-

1 *pality*” before “*engaged in the transmission or sale of elec-*
2 *tric energy*”.

3 **SEC. 1103. EMERGENCY PREPAREDNESS FOR ENERGY SUP-**
4 **PLY DISRUPTIONS.**

5 (a) *FINDING.*—*Congress finds that recent natural dis-*
6 *asters have underscored the importance of having resilient*
7 *oil and natural gas infrastructure and energy storage and*
8 *effective ways for industry and government to communicate*
9 *to address energy supply disruptions.*

10 (b) *AUTHORIZATION FOR ACTIVITIES TO ENHANCE*
11 *EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.*—
12 *The Secretary of Energy shall develop and adopt procedures*
13 *to—*

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

17 (2) *leverage the Energy Information Administra-*
18 *tion’s subject matter expertise within the Depart-*
19 *ment’s energy response team to improve supply chain*
20 *situation assessments;*

21 (3) *establish company liaisons and direct com-*
22 *munication with the Department’s energy response*
23 *team to improve situation assessments;*

1 (4) *streamline and enhance processes for obtain-*
2 *ing temporary regulatory relief to speed up emergency*
3 *response and recovery;*

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

8 (6) *establish routine education and training pro-*
9 *grams for key government emergency response posi-*
10 *tions with the Department and States; and*

11 (7) *involve States, the energy storage industry,*
12 *and the oil and natural gas industry in comprehen-*
13 *sive drill and exercise programs.*

14 (c) *COOPERATION.*—*The activities carried out under*
15 *subsection (b) shall include collaborative efforts with State*
16 *and local government officials and the private sector.*

17 (d) *REPORT.*—*Not later than 180 days after the date*
18 *of enactment of this Act, the Secretary of Energy shall sub-*
19 *mit to Congress a report describing the effectiveness of the*
20 *activities authorized under this section.*

21 **SEC. 1104. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**
22 **RITY.**

23 (a) *CRITICAL ELECTRIC INFRASTRUCTURE SECU-*
24 *RITY.*—*Part II of the Federal Power Act (16 U.S.C. 824*

1 *et seq.) is amended by adding after section 215 the following*
 2 *new section:*

3 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECUR-**
 4 **RITY.**

5 *“(a) DEFINITIONS.—For purposes of this section:*

6 *“(1) BULK-POWER SYSTEM; ELECTRIC RELI-*
 7 *ABILITY ORGANIZATION; REGIONAL ENTITY.—The*
 8 *terms ‘bulk-power system’, ‘Electric Reliability Orga-*
 9 *nization’, and ‘regional entity’ have the meanings*
 10 *given such terms in paragraphs (1), (2), and (7) of*
 11 *section 215(a), respectively.*

12 *“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—*
 13 *The term ‘critical electric infrastructure’ means a sys-*
 14 *tem or asset of the bulk-power system, whether phys-*
 15 *ical or virtual, the incapacity or destruction of which*
 16 *would negatively affect national security, economic se-*
 17 *curity, public health or safety, or any combination of*
 18 *such matters.*

19 *“(3) CRITICAL ELECTRIC INFRASTRUCTURE IN-*
 20 *FORMATION.—The term ‘critical electric infrastruc-*
 21 *ture information’ means information related to crit-*
 22 *ical electric infrastructure, or proposed critical elec-*
 23 *trical infrastructure, generated by or provided to the*
 24 *Commission or other Federal agency, other than clas-*
 25 *sified national security information, that is des-*

1 *ignated as critical electric infrastructure information*
2 *by the Commission under subsection (d)(2). Such*
3 *term includes information that qualifies as critical*
4 *energy infrastructure information under the Commis-*
5 *sion’s regulations.*

6 *“(4) DEFENSE CRITICAL ELECTRIC INFRASTRUC-*
7 *TURE.—The term ‘defense critical electric infrastruc-*
8 *ture’ means any electric infrastructure located in the*
9 *United States (including the territories) that serves a*
10 *facility designated by the Secretary pursuant to sub-*
11 *section (c), but is not owned or operated by the owner*
12 *or operator of such facility.*

13 *“(5) ELECTROMAGNETIC PULSE.—The term ‘elec-*
14 *tromagnetic pulse’ means 1 or more pulses of electro-*
15 *magnetic energy emitted by a device capable of dis-*
16 *abling or disrupting operation of, or destroying, elec-*
17 *tronic devices or communications networks, including*
18 *hardware, software, and data, by means of such a*
19 *pulse.*

20 *“(6) GEOMAGNETIC STORM.—The term ‘geo-*
21 *magnetic storm’ means a temporary disturbance of*
22 *the Earth’s magnetic field resulting from solar activ-*
23 *ity.*

1 “(7) *GRID SECURITY EMERGENCY.*—*The term*
2 *‘grid security emergency’ means the occurrence or im-*
3 *minent danger of—*

4 “(A)(i) *a malicious act using electronic*
5 *communication or an electromagnetic pulse, or a*
6 *geomagnetic storm event, that could disrupt the*
7 *operation of those electronic devices or commu-*
8 *nications networks, including hardware, soft-*
9 *ware, and data, that are essential to the reli-*
10 *ability of critical electric infrastructure or of de-*
11 *fense critical electric infrastructure; and*

12 “(i) *disruption of the operation of such de-*
13 *vices or networks, with significant adverse effects*
14 *on the reliability of critical electric infrastruc-*
15 *ture or of defense critical electric infrastructure,*
16 *as a result of such act or event; or*

17 “(B)(i) *a direct physical attack on critical*
18 *electric infrastructure or on defense critical elec-*
19 *tric infrastructure; and*

20 “(i) *significant adverse effects on the reli-*
21 *ability of critical electric infrastructure or of de-*
22 *fense critical electric infrastructure as a result of*
23 *such physical attack.*

24 “(8) *GRID SECURITY VULNERABILITY.*—*The term*
25 *‘grid security vulnerability’ means a weakness that,*

1 *in the event of a malicious act using an electro-*
2 *magnetic pulse, would pose a substantial risk of dis-*
3 *ruption to the operation of those electrical or elec-*
4 *tronic devices or communications networks, including*
5 *hardware, software, and data, that are essential to the*
6 *reliability of the bulk-power system.*

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

9 “(b) *AUTHORITY TO ADDRESS GRID SECURITY EMER-*
10 *GENCY.*—

11 “(1) *AUTHORITY.*—*Whenever the President issues*
12 *and provides to the Secretary a written directive or*
13 *determination identifying a grid security emergency,*
14 *the Secretary may, with or without notice, hearing, or*
15 *report, issue such orders for emergency measures as*
16 *are necessary in the judgment of the Secretary to pro-*
17 *tect or restore the reliability of critical electric infra-*
18 *structure or of defense critical electric infrastructure*
19 *during such emergency. As soon as practicable but not*
20 *later than 180 days after the date of enactment of this*
21 *section, the Secretary shall, after notice and oppor-*
22 *tunity for comment, establish rules of procedure that*
23 *ensure that such authority can be exercised expedi-*
24 *tiously.*

1 “(2) *NOTIFICATION OF CONGRESS.*—Whenever
2 *the President issues and provides to the Secretary a*
3 *written directive or determination under paragraph*
4 *(1), the President shall promptly notify congressional*
5 *committees of relevant jurisdiction, including the*
6 *Committee on Energy and Commerce of the House of*
7 *Representatives and the Committee on Energy and*
8 *Natural Resources of the Senate, of the contents of,*
9 *and justification for, such directive or determination.*

10 “(3) *CONSULTATION.*—Before issuing an order
11 *for emergency measures under paragraph (1), the Sec-*
12 *retary shall, to the extent practicable in light of the*
13 *nature of the grid security emergency and the urgency*
14 *of the need for action, consult with appropriate gov-*
15 *ernmental authorities in Canada and Mexico, entities*
16 *described in paragraph (4), the Electricity Sub-sector*
17 *Coordinating Council, the Commission, and other ap-*
18 *propriate Federal agencies regarding implementation*
19 *of such emergency measures.*

20 “(4) *APPLICATION.*—An order for emergency
21 *measures under this subsection may apply to—*

22 “(A) *the Electric Reliability Organization;*

23 “(B) *a regional entity; or*

1 “(C) *any owner, user, or operator of critical*
2 *electric infrastructure or of defense critical elec-*
3 *tric infrastructure within the United States.*

4 “(5) *EXPIRATION AND REISSUANCE.—*

5 “(A) *IN GENERAL.—Except as provided in*
6 *subparagraph (B), an order for emergency meas-*
7 *ures issued under paragraph (1) shall expire no*
8 *later than 15 days after its issuance.*

9 “(B) *EXTENSIONS.—The Secretary may re-*
10 *issue an order for emergency measures issued*
11 *under paragraph (1) for subsequent periods, not*
12 *to exceed 15 days for each such period, provided*
13 *that the President, for each such period, issues*
14 *and provides to the Secretary a written directive*
15 *or determination that the grid security emer-*
16 *gency identified under paragraph (1) continues*
17 *to exist or that the emergency measure continues*
18 *to be required.*

19 “(6) *COST RECOVERY.—*

20 “(A) *CRITICAL ELECTRIC INFRASTRUC-*
21 *TURE.—If the Commission determines that own-*
22 *ers, operators, or users of critical electric infra-*
23 *structure have incurred substantial costs to com-*
24 *ply with an order for emergency measures issued*
25 *under this subsection and that such costs were*

1 *prudently incurred and cannot reasonably be re-*
2 *covered through regulated rates or market prices*
3 *for the electric energy or services sold by such*
4 *owners, operators, or users, the Commission*
5 *shall, consistent with the requirements of section*
6 *205, after notice and an opportunity for com-*
7 *ment, establish a mechanism that permits such*
8 *owners, operators, or users to recover such costs.*

9 “(B) *DEFENSE CRITICAL ELECTRIC INFRA-*
10 *STRUCTURE.—To the extent the owner or oper-*
11 *ator of defense critical electric infrastructure is*
12 *required to take emergency measures pursuant to*
13 *an order issued under this subsection, the owners*
14 *or operators of a critical defense facility or fa-*
15 *ilities designated by the Secretary pursuant to*
16 *subsection (c) that rely upon such infrastructure*
17 *shall bear the full incremental costs of the meas-*
18 *ures.*

19 “(7) *TEMPORARY ACCESS TO CLASSIFIED INFOR-*
20 *MATION.—The Secretary, and other appropriate Fed-*
21 *eral agencies, shall, to the extent practicable and con-*
22 *sistent with their obligations to protect classified in-*
23 *formation, provide temporary access to classified in-*
24 *formation related to a grid security emergency for*
25 *which emergency measures are issued under para-*

1 *graph (1) to key personnel of any entity subject to*
2 *such emergency measures to enable optimum commu-*
3 *nication between the entity and the Secretary and*
4 *other appropriate Federal agencies regarding the grid*
5 *security emergency.*

6 *“(c) DESIGNATION OF CRITICAL DEFENSE FACILI-*
7 *TIES.—Not later than 180 days after the date of enactment*
8 *of this section, the Secretary, in consultation with other ap-*
9 *propriate Federal agencies and appropriate owners, users,*
10 *or operators of infrastructure that may be defense critical*
11 *electric infrastructure, shall identify and designate facilities*
12 *located in the United States (including the territories) that*
13 *are—*

14 *“(1) critical to the defense of the United States;*
15 *and*

16 *“(2) vulnerable to a disruption of the supply of*
17 *electric energy provided to such facility by an exter-*
18 *nal provider.*

19 *The Secretary may, in consultation with appropriate Fed-*
20 *eral agencies and appropriate owners, users, or operators*
21 *of defense critical electric infrastructure, periodically revise*
22 *the list of designated facilities as necessary.*

23 *“(d) PROTECTION AND SHARING OF CRITICAL ELEC-*
24 *TRIC INFRASTRUCTURE INFORMATION.—*

1 “(1) *PROTECTION OF CRITICAL ELECTRIC INFRA-*
2 *STRUCTURE INFORMATION.—Critical electric infra-*
3 *structure information—*

4 “(A) *shall be exempt from disclosure under*
5 *section 552(b)(3) of title 5, United States Code;*
6 *and*

7 “(B) *shall not be made available by any*
8 *Federal, State, political subdivision or tribal au-*
9 *thority pursuant to any Federal, State, political*
10 *subdivision or tribal law requiring public disclo-*
11 *sure of information or records.*

12 “(2) *DESIGNATION AND SHARING OF CRITICAL*
13 *ELECTRIC INFRASTRUCTURE INFORMATION.—Not later*
14 *than one year after the date of enactment of this sec-*
15 *tion, the Commission, in consultation with the Sec-*
16 *retary of Energy, shall promulgate such regulations*
17 *and issue such orders as necessary to—*

18 “(A) *designate information as critical elec-*
19 *tric infrastructure information;*

20 “(B) *prohibit the unauthorized disclosure of*
21 *critical electric infrastructure information;*

22 “(C) *ensure there are appropriate sanctions*
23 *in place for Commissioners, officers, employees,*
24 *or agents of the Commission who knowingly and*
25 *willfully disclose critical electric infrastructure*

1 *information in a manner that is not authorized*
2 *under this section; and*

3 “(D) *taking into account standards of the*
4 *Electric Reliability Organization, facilitate vol-*
5 *untary sharing of critical electric infrastructure*
6 *information with, between, and by—*

7 “(i) *Federal, State, political subdivi-*
8 *sion, and tribal authorities;*

9 “(ii) *the Electric Reliability Organiza-*
10 *tion;*

11 “(iii) *regional entities;*

12 “(iv) *information sharing and analysis*
13 *centers established pursuant to Presidential*
14 *Decision Directive 63;*

15 “(v) *owners, operators, and users of*
16 *critical electric infrastructure in the United*
17 *States; and*

18 “(vi) *other entities determined appro-*
19 *priate by the Commission.*

20 “(3) *CONSIDERATIONS.—In promulgating regu-*
21 *lations and issuing orders under paragraph (2), the*
22 *Commission shall take into consideration the role of*
23 *State commissions in reviewing the prudence and cost*
24 *of investments, determining the rates and terms of*
25 *conditions for electric services, and ensuring the safe-*

1 *ty and reliability of the bulk-power system and dis-*
2 *tribution facilities within their respective jurisdic-*
3 *tions.*

4 “(4) *PROTOCOLS.*—*The Commission shall, in*
5 *consultation with Canadian and Mexican authorities,*
6 *develop protocols for the voluntary sharing of critical*
7 *electric infrastructure information with Canadian*
8 *and Mexican authorities and owners, operators, and*
9 *users of the bulk-power system outside the United*
10 *States.*

11 “(5) *NO REQUIRED SHARING OF INFORMATION.*—
12 *Nothing in this section shall require a person or enti-*
13 *ty in possession of critical electric infrastructure in-*
14 *formation to share such information with Federal,*
15 *State, political subdivision, or tribal authorities, or*
16 *any other person or entity.*

17 “(6) *SUBMISSION OF INFORMATION TO CON-*
18 *GRESS.*—*Nothing in this section shall permit or au-*
19 *thorize the withholding of information from Congress,*
20 *any committee or subcommittee thereof, or the Comp-*
21 *troller General.*

22 “(7) *DISCLOSURE OF PROTECTED INFORMA-*
23 *TION.*—*In implementing this section, the Commission*
24 *shall segregate critical electric infrastructure informa-*
25 *tion or information that reasonably could be expected*

1 *to lead to the disclosure of the critical electric infra-*
2 *structure information within documents and elec-*
3 *tronic communications, wherever feasible, to facilitate*
4 *disclosure of information that is not designated as*
5 *critical electric infrastructure information.*

6 “(8) *DURATION OF DESIGNATION.*—*Information*
7 *may not be designated as critical electric infrastruc-*
8 *ture information for longer than 5 years, unless spe-*
9 *cifically re-designated by the Commission.*

10 “(9) *REMOVAL OF DESIGNATION.*—*The Commis-*
11 *sion shall remove the designation of critical electric*
12 *infrastructure information, in whole or in part, from*
13 *a document or electronic communication if the Com-*
14 *mission determines that the unauthorized disclosure of*
15 *such information could no longer be used to impair*
16 *the security or reliability of the bulk-power system or*
17 *distribution facilities.*

18 “(10) *JUDICIAL REVIEW OF DESIGNATIONS.*—
19 *Notwithstanding section 313(b), any determination*
20 *by the Commission concerning the designation of crit-*
21 *ical electric infrastructure information under this*
22 *subsection shall be subject to review under chapter 7*
23 *of title 5, United States Code, except that such review*
24 *shall be brought in the district court of the United*
25 *States in the district in which the complainant re-*

1 *sides, or has his principal place of business, or in the*
2 *District of Columbia. In such a case the court shall*
3 *examine in camera the contents of documents or elec-*
4 *tronic communications that are the subject of the de-*
5 *termination under review to determine whether such*
6 *documents or any part thereof were improperly des-*
7 *ignated or not designated as critical electric infra-*
8 *structure information.*

9 “(e) *MEASURES TO ADDRESS GRID SECURITY*
10 *VULNERABILITIES.—*

11 “(1) *COMMISSION AUTHORITY.—*

12 “(A) *RELIABILITY STANDARDS.—If the*
13 *Commission, in consultation with appropriate*
14 *Federal agencies, identifies a grid security vul-*
15 *nerability that the Commission determines has*
16 *not adequately been addressed through a reli-*
17 *ability standard developed and approved under*
18 *section 215, the Commission shall, after notice*
19 *and opportunity for comment and after consulta-*
20 *tion with the Secretary, other appropriate Fed-*
21 *eral agencies, and appropriate governmental au-*
22 *thorities in Canada and Mexico, issue an order*
23 *directing the Electric Reliability Organization to*
24 *submit to the Commission for approval under*
25 *section 215, not later than 30 days after the*

1 *issuance of such order, a reliability standard re-*
2 *quiring implementation, by any owner, operator,*
3 *or user of the bulk-power system in the United*
4 *States, of measures to protect the bulk-power sys-*
5 *tem against such vulnerability. Any such stand-*
6 *ard shall include a protection plan, including*
7 *automated hardware-based solutions. The Com-*
8 *mission shall approve a reliability standard sub-*
9 *mitted pursuant to this subparagraph, unless the*
10 *Commission determines that such reliability*
11 *standard does not adequately protect against*
12 *such vulnerability or otherwise does not satisfy*
13 *the requirements of section 215.*

14 “(B) *MEASURES TO ADDRESS GRID SECUR-*
15 *RITY VULNERABILITIES.—If the Commission,*
16 *after notice and opportunity for comment and*
17 *after consultation with the Secretary, other ap-*
18 *propriate Federal agencies, and appropriate gov-*
19 *ernmental authorities in Canada and Mexico,*
20 *determines that the reliability standard sub-*
21 *mitted by the Electric Reliability Organization*
22 *to address a grid security vulnerability identi-*
23 *fied under subparagraph (A) does not adequately*
24 *protect the bulk-power system against such vul-*
25 *nerability, the Commission shall promulgate a*

1 *rule or issue an order requiring implementation,*
2 *by any owner, operator, or user of the bulk-*
3 *power system in the United States, of measures*
4 *to protect the bulk-power system against such*
5 *vulnerability. Any such rule or order shall in-*
6 *clude a protection plan, including automated*
7 *hardware-based solutions. Before promulgating a*
8 *rule or issuing an order under this subpara-*
9 *graph, the Commission shall, to the extent prac-*
10 *ticable in light of the urgency of the need for ac-*
11 *tion to address the grid security vulnerability,*
12 *request and consider recommendations from the*
13 *Electric Reliability Organization regarding such*
14 *rule or order. The Commission may establish an*
15 *appropriate deadline for the submission of such*
16 *recommendations.*

17 “(2) *RESCISSION.*—*The Commission shall ap-*
18 *prove a reliability standard developed under section*
19 *215 that addresses a grid security vulnerability that*
20 *is the subject of a rule or order under paragraph*
21 *(1)(B), unless the Commission determines that such*
22 *reliability standard does not adequately protect*
23 *against such vulnerability or otherwise does not sat-*
24 *isfy the requirements of section 215. Upon such ap-*
25 *proval, the Commission shall rescind the rule promul-*

1 *gated or order issued under paragraph (1)(B) ad-*
2 *ressing such vulnerability, effective upon the effective*
3 *date of the newly approved reliability standard.*

4 “(3) *GEOMAGNETIC STORMS AND ELECTRO-*
5 *MAGNETIC PULSE.—Not later than 6 months after the*
6 *date of enactment of this section, the Commission*
7 *shall, after notice and an opportunity for comment*
8 *and after consultation with the Secretary and other*
9 *appropriate Federal agencies, issue an order directing*
10 *the Electric Reliability Organization to submit to the*
11 *Commission for approval under section 215, not later*
12 *than 6 months after the issuance of such order, reli-*
13 *ability standards adequate to protect the bulk-power*
14 *system from any reasonably foreseeable geomagnetic*
15 *storm or electromagnetic pulse event. The Commis-*
16 *sion’s order shall specify the nature and magnitude of*
17 *the reasonably foreseeable events against which such*
18 *standards must protect. Such standards shall appro-*
19 *priately balance the risks to the bulk-power system as-*
20 *sociated with such events, including any regional var-*
21 *iation in such risks, the costs of mitigating such risks,*
22 *and the priorities and timing associated with imple-*
23 *mentation. If the Commission determines that the re-*
24 *liability standards submitted by the Electric Reli-*
25 *ability Organization pursuant to this paragraph are*

1 *inadequate, the Commission shall promulgate a rule*
2 *or issue an order adequate to protect the bulk-power*
3 *system from geomagnetic storms or electromagnetic*
4 *pulse as required under paragraph (1)(B).*

5 *“(4) LARGE TRANSFORMER AVAILABILITY.—Not*
6 *later than 1 year after the date of enactment of this*
7 *section, the Commission shall, after notice and an op-*
8 *portunity for comment and after consultation with*
9 *the Secretary and other appropriate Federal agencies,*
10 *issue an order directing the Electric Reliability Orga-*
11 *nization to submit to the Commission for approval*
12 *under section 215, not later than 1 year after the*
13 *issuance of such order, reliability standards address-*
14 *ing availability of large transformers. Such standards*
15 *shall require entities that own or operate large trans-*
16 *formers to ensure, individually or jointly, adequate*
17 *availability of large transformers to promptly restore*
18 *the reliable operation of the bulk-power system in the*
19 *event that any such transformer is destroyed or dis-*
20 *abled as a result of a geomagnetic storm event or elec-*
21 *tromagnetic pulse event. The Commission’s order shall*
22 *specify the nature and magnitude of the reasonably*
23 *foreseeable events that shall provide the basis for such*
24 *standards. Such standards shall—*

1 “(A) provide entities subject to the stand-
2 ards with the option of meeting such standards
3 individually or jointly; and

4 “(B) appropriately balance the risks associ-
5 ated with a reasonably foreseeable event, includ-
6 ing any regional variation in such risks, and the
7 costs of ensuring adequate availability of spare
8 transformers.

9 “(5) CERTAIN FEDERAL ENTITIES.—For the 11-
10 year period commencing on the date of enactment of
11 this section, the Tennessee Valley Authority and the
12 Bonneville Power Administration shall be exempt
13 from any requirement under this subsection.

14 “(f) SECURITY CLEARANCES.—The Secretary shall fa-
15 cilitate and, to the extent practicable, expedite the acquisi-
16 tion of adequate security clearances by key personnel of any
17 entity subject to the requirements of this section, to enable
18 optimum communication with Federal agencies regarding
19 threats to the security of the critical electric infrastructure.
20 The Secretary, the Commission, and other appropriate Fed-
21 eral agencies shall, to the extent practicable and consistent
22 with their obligations to protect classified and critical elec-
23 tric infrastructure information, share timely actionable in-
24 formation regarding grid security with appropriate key

1 *personnel of owners, operators, and users of the critical elec-*
2 *tric infrastructure.*

3 “(g) *CLARIFICATIONS OF LIABILITY.*—

4 “(1) *COMPLIANCE WITH OR VIOLATION OF THIS*
5 *ACT.*—*Except as provided in paragraph (4), to the ex-*
6 *tent any action or omission taken by an entity that*
7 *is necessary to comply with an order for emergency*
8 *measures issued under subsection (b)(1), including*
9 *any action or omission taken to voluntarily comply*
10 *with such order, results in noncompliance with, or*
11 *causes such entity not to comply with any rule, order,*
12 *regulation, or provision of this Act, including any re-*
13 *liability standard approved by the Commission pur-*
14 *suant to section 215, such action or omission shall*
15 *not be considered a violation of such rule, order, regu-*
16 *lation, or provision.*

17 “(2) *RELATION TO SECTION 202(c).*—*Except as*
18 *provided in paragraph (4), an action or omission*
19 *taken by an owner, operator, or user of critical elec-*
20 *tric infrastructure or of defense critical electric infra-*
21 *structure to comply with an order for emergency*
22 *measures issued under subsection (b)(1) shall be treat-*
23 *ed as an action or omission taken to comply with an*
24 *order issued under section 202(c) for purposes of such*
25 *section.*

1 “(3) *SHARING OR RECEIPT OF INFORMATION.*—
2 *No cause of action shall lie or be maintained in any*
3 *Federal or State court for the sharing or receipt of in-*
4 *formation under, and that is conducted in accordance*
5 *with, subsection (d).*

6 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
7 *subsection shall be construed to require dismissal of a*
8 *cause of action against an entity that, in the course*
9 *of complying with an order for emergency measures*
10 *issued under subsection (b)(1) by taking an action or*
11 *omission for which they would be liable but for para-*
12 *graph (1) or (2), takes such action or omission in a*
13 *grossly negligent manner.”.*

14 (b) *CONFORMING AMENDMENTS.*—

15 (1) *JURISDICTION.*—*Section 201(b)(2) of the*
16 *Federal Power Act (16 U.S.C. 824(b)(2)) is amended*
17 *by inserting “215A,” after “215,” each place it ap-*
18 *pears.*

19 (2) *PUBLIC UTILITY.*—*Section 201(e) of the Fed-*
20 *eral Power Act (16 U.S.C. 824(e)) is amended by in-*
21 *serting “215A,” after “215,”.*

22 **SEC. 1105. STRATEGIC TRANSFORMER RESERVE.**

23 (a) *FINDING.*—*Congress finds that the storage of stra-*
24 *tegically located spare large power transformers and emer-*
25 *gency mobile substations will reduce the vulnerability of the*

1 *United States to multiple risks facing electric grid reli-*
2 *ability, including physical attack, cyber attack, electro-*
3 *magnetic pulse, geomagnetic disturbances, severe weather,*
4 *and seismic events.*

5 (b) *DEFINITIONS.—In this section:*

6 (1) *BULK-POWER SYSTEM.—The term “bulk-*
7 *power system” has the meaning given such term in*
8 *section 215(a) of the Federal Power Act (16 U.S.C.*
9 *8240(a)).*

10 (2) *CRITICALLY DAMAGED LARGE POWER TRANS-*
11 *FORMER.—The term “critically damaged large power*
12 *transformer” means a large power transformer that—*

13 (A) *has sustained extensive damage such*
14 *that—*

15 (i) *repair or refurbishment is not eco-*
16 *nomically viable; or*

17 (ii) *the extensive time to repair or re-*
18 *furbish the large power transformer would*
19 *create an extended period of instability in*
20 *the bulk-power system; and*

21 (B) *prior to sustaining such damage, was*
22 *part of the bulk-power system.*

23 (3) *CRITICAL ELECTRIC INFRASTRUCTURE.—The*
24 *term “critical electric infrastructure” has the mean-*

1 *ing given that term in section 215A of the Federal*
2 *Power Act.*

3 (4) *ELECTRIC RELIABILITY ORGANIZATION.*—*The*
4 *term “Electric Reliability Organization” has the*
5 *meaning given such term in section 215(a) of the Fed-*
6 *eral Power Act (16 U.S.C. 8240(a)).*

7 (5) *EMERGENCY MOBILE SUBSTATION.*—*The*
8 *term “emergency mobile substation” means a mobile*
9 *substation or mobile transformer that is—*

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

14 (B) *intended for express deployment and ca-*
15 *pable of being rapidly placed into service.*

16 (6) *LARGE POWER TRANSFORMER.*—*The term*
17 *“large power transformer” means a power trans-*
18 *former with a maximum nameplate rating of 100*
19 *megavolt-amperes or higher, including related critical*
20 *equipment, that is, or is intended to be, a part of the*
21 *bulk-power system.*

22 (7) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of Energy.*

24 (8) *SPARE LARGE POWER TRANSFORMER.*—*The*
25 *term “spare large power transformer” means a large*

1 *power transformer that is stored within the Strategic*
2 *Transformer Reserve to be available to temporarily*
3 *replace a critically damaged large power transformer.*

4 *(c) STRATEGIC TRANSFORMER RESERVE PLAN.—*

5 *(1) PLAN.—Not later than 1 year after the date*
6 *of enactment of this Act, the Secretary, acting through*
7 *the Office of Electricity Delivery and Energy Reli-*
8 *ability, shall, in consultation with the Federal Energy*
9 *Regulatory Commission, the Electricity Sub-sector*
10 *Coordinating Council, the Electric Reliability Orga-*
11 *nization, and owners and operators of critical electric*
12 *infrastructure and defense and military installations,*
13 *prepare and submit to Congress a plan to establish a*
14 *Strategic Transformer Reserve for the storage, in stra-*
15 *tegically located facilities, of spare large power trans-*
16 *formers and emergency mobile substations in suffi-*
17 *cient numbers to temporarily replace critically dam-*
18 *aged large power transformers and substations that*
19 *are critical electric infrastructure or serve defense and*
20 *military installations.*

21 *(2) INCLUSIONS.—The Strategic Transformer*
22 *Reserve plan shall include a description of—*

23 *(A) the appropriate number and type of*
24 *spare large power transformers necessary to pro-*
25 *vide or restore sufficient resiliency to the bulk-*

1 *power system, critical electric infrastructure,*
2 *and defense and military installations to miti-*
3 *gate significant impacts to the electric grid re-*
4 *sulting from—*

5 *(i) physical attack;*

6 *(ii) cyber attack;*

7 *(iii) electromagnetic pulse attack;*

8 *(iv) geomagnetic disturbances;*

9 *(v) severe weather; or*

10 *(vi) seismic events;*

11 *(B) other critical electric grid equipment for*
12 *which an inventory of spare equipment, includ-*
13 *ing emergency mobile substations, is necessary to*
14 *provide or restore sufficient resiliency to the*
15 *bulk-power system, critical electric infrastruc-*
16 *ture, and defense and military installations;*

17 *(C) the degree to which utility sector actions*
18 *or initiatives, including individual utility own-*
19 *ership of spare equipment, joint ownership of*
20 *spare equipment inventory, sharing agreements,*
21 *or other spare equipment reserves or arrange-*
22 *ments, satisfy the needs identified under sub-*
23 *paragraphs (A) and (B);*

24 *(D) the potential locations for, and feasi-*
25 *bility and appropriate number of, strategic stor-*

1 *age locations for reserve equipment, including*
2 *consideration of—*

3 *(i) the physical security of such loca-*
4 *tions;*

5 *(ii) the protection of the confidentiality*
6 *of such locations; and*

7 *(iii) the proximity of such locations to*
8 *sites of potentially critically damaged large*
9 *power transformers and substations that are*
10 *critical electric infrastructure or serve de-*
11 *fense and military installations, so as to en-*
12 *able efficient delivery of equipment to such*
13 *sites;*

14 *(E) the necessary degree of flexibility of*
15 *spare large power transformers to be included in*
16 *the Strategic Transformer Reserve to conform to*
17 *different substation configurations, including*
18 *consideration of transformer—*

19 *(i) power and voltage rating for each*
20 *winding;*

21 *(ii) overload requirements;*

22 *(iii) impedance between windings;*

23 *(iv) configuration of windings; and*

24 *(v) tap requirements;*

1 (F) an estimate of the direct cost of the
2 Strategic Transformer Reserve, as proposed, in-
3 cluding—

- 4 (i) the cost of storage facilities;
5 (ii) the cost of the equipment; and
6 (iii) management, maintenance, and
7 operation costs;

8 (G) the funding options available to estab-
9 lish, stock, manage, and maintain the Strategic
10 Transformer Reserve, including consideration of
11 fees on owners and operators of bulk-power sys-
12 tem facilities, critical electric infrastructure, and
13 defense and military installations relying on the
14 Strategic Transformer Reserve, use of Federal
15 appropriations, and public-private cost-sharing
16 options;

17 (H) the ease and speed of transportation,
18 installation, and energization of spare large
19 power transformers to be included in the Stra-
20 tegic Transformer Reserve, including consider-
21 ation of factors such as—

- 22 (i) transformer transportation weight;
23 (ii) transformer size;
24 (iii) topology of critical substations;

1 (iv) availability of appropriate trans-
2 former mounting pads;

3 (v) flexibility of the spare large power
4 transformers as described in subparagraph
5 (E); and

6 (vi) ability to rapidly transition a
7 spare large power transformer from storage
8 to energization;

9 (I) eligibility criteria for withdrawal of
10 equipment from the Strategic Transformer Re-
11 serve;

12 (J) the process by which owners or opera-
13 tors of critically damaged large power trans-
14 formers or substations that are critical electric
15 infrastructure or serve defense and military in-
16 stallations may apply for a withdrawal from the
17 Strategic Transformer Reserve;

18 (K) the process by which equipment with-
19 drawn from the Strategic Transformer Reserve is
20 returned to the Strategic Transformer Reserve or
21 is replaced;

22 (L) possible fees to be paid by users of
23 equipment withdrawn from the Strategic Trans-
24 former Reserve;

1 (M) possible fees to be paid by owners and
2 operators of large power transformers and sub-
3 stations that are critical electric infrastructure
4 or serve defense and military installations to
5 cover operating costs of the Strategic Trans-
6 former Reserve;

7 (N) the domestic and international large
8 power transformer supply chain;

9 (O) the potential reliability, cost, and oper-
10 ational benefits of including emergency mobile
11 substations in any Strategic Transformer Re-
12 serve established under this section; and

13 (P) other considerations for designing, con-
14 structing, stocking, funding, and managing the
15 Strategic Transformer Reserve.

16 (d) *ESTABLISHMENT.*—The Secretary may establish a
17 Strategic Transformer Reserve in accordance with the plan
18 prepared pursuant to subsection (c) after the date that is
19 6 months after the date on which such plan is submitted
20 to Congress.

21 (e) *DISCLOSURE OF INFORMATION.*—Any information
22 included in the Strategic Transformer Reserve plan, or
23 shared in the preparation and development of such plan,
24 the disclosure of which the agency reasonably foresees would
25 cause harm to critical electric infrastructure, shall be

1 *deemed to be critical electric infrastructure information for*
2 *purposes of section 215A(d) of the Federal Power Act.*

3 **SEC. 1106. CYBER SENSE.**

4 (a) *IN GENERAL.*—*The Secretary of Energy shall es-*
5 *tablish a voluntary Cyber Sense program to identify and*
6 *promote cyber-secure products intended for use in the bulk-*
7 *power system, as defined in section 215(a) of the Federal*
8 *Power Act (16 U.S.C. 824o(a)).*

9 (b) *PROGRAM REQUIREMENTS.*—*In carrying out sub-*
10 *section (a), the Secretary of Energy shall—*

11 (1) *establish a Cyber Sense testing process to*
12 *identify products and technologies intended for use in*
13 *the bulk-power system, including products relating to*
14 *industrial control systems, such as supervisory control*
15 *and data acquisition systems;*

16 (2) *for products tested and identified under the*
17 *Cyber Sense program, establish and maintain cyber-*
18 *security vulnerability reporting processes and a re-*
19 *lated database;*

20 (3) *promulgate regulations regarding vulner-*
21 *ability reporting processes for products tested and*
22 *identified under the Cyber Sense program;*

23 (4) *provide technical assistance to utilities, prod-*
24 *uct manufacturers, and other electric sector stake-*
25 *holders to develop solutions to mitigate identified*

1 *vulnerabilities in products tested and identified under*
2 *the Cyber Sense program;*

3 *(5) biennially review products tested and identi-*
4 *fied under the Cyber Sense program for*
5 *vulnerabilities and provide analysis with respect to*
6 *how such products respond to and mitigate cyber*
7 *threats;*

8 *(6) develop procurement guidance for utilities for*
9 *products tested and identified under the Cyber Sense*
10 *program;*

11 *(7) provide reasonable notice to the public, and*
12 *solicit comments from the public, prior to establishing*
13 *or revising the Cyber Sense testing process;*

14 *(8) oversee Cyber Sense testing carried out by*
15 *third parties; and*

16 *(9) consider incentives to encourage the use in*
17 *the bulk-power system of products tested and identi-*
18 *fied under the Cyber Sense program.*

19 *(c) DISCLOSURE OF INFORMATION.—Any vulner-*
20 *ability reported pursuant to regulations promulgated under*
21 *subsection (b)(3), the disclosure of which the agency reason-*
22 *ably foresees would cause harm to critical electric infra-*
23 *structure (as defined in section 215A of the Federal Power*
24 *Act), shall be deemed to be critical electric infrastructure*

1 *information for purposes of section 215A(d) of the Federal*
 2 *Power Act.*

3 (d) *FEDERAL GOVERNMENT LIABILITY.*—*Consistent*
 4 *with other voluntary Federal Government certification pro-*
 5 *grams, nothing in this section shall be construed to author-*
 6 *ize the commencement of an action against the United*
 7 *States Government with respect to the testing and identi-*
 8 *fication of a product under the Cyber Sense program.*

9 **SEC. 1107. STATE COVERAGE AND CONSIDERATION OF**
 10 **PURPA STANDARDS FOR ELECTRIC UTILI-**
 11 **TIES.**

12 (a) *STATE CONSIDERATION OF RESILIENCY AND AD-*
 13 *VANCED ENERGY ANALYTICS TECHNOLOGIES AND RELI-*
 14 *ABLE GENERATION.*—

15 (1) *CONSIDERATION.*—*Section 111(d) of the Pub-*
 16 *lic Utility Regulatory Policies Act of 1978 (16 U.S.C.*
 17 *2621(d)) is amended by adding the following at the*
 18 *end:*

19 “(20) *IMPROVING THE RESILIENCE OF ELECTRIC*
 20 *INFRASTRUCTURE.*—

21 “(A) *IN GENERAL.*—*Each electric utility*
 22 *shall develop a plan to use resiliency-related*
 23 *technologies, upgrades, measures, and other ap-*
 24 *proaches designed to improve the resilience of*
 25 *electric infrastructure, mitigate power outages,*

1 *continue delivery of vital services, and maintain*
2 *the flow of power to facilities critical to public*
3 *health, safety, and welfare, to the extent prac-*
4 *ticable using the most current data, metrics, and*
5 *frameworks related to current and future threats,*
6 *including physical and cyber attacks, electro-*
7 *magnetic pulse attacks, geomagnetic disturb-*
8 *ances, seismic events, and severe weather and*
9 *other environmental stressors.*

10 “(B) *RESILIENCY-RELATED TECH-*
11 *NOLOGIES.—For purposes of this paragraph, ex-*
12 *amples of resiliency-related technologies, up-*
13 *grades, measures, and other approaches in-*
14 *clude—*

15 “(i) *hardening, or other enhanced pro-*
16 *tection, of utility poles, wiring, cabling, and*
17 *other distribution components, facilities, or*
18 *structures;*

19 “(ii) *advanced grid technologies capa-*
20 *ble of isolating or repairing problems re-*
21 *motely, such as advanced metering infra-*
22 *structure, high-tech sensors, grid monitoring*
23 *and control systems, and remote reconfig-*
24 *uration and redundancy systems;*

1 “(iii) cybersecurity products and com-
2 ponents;

3 “(iv) distributed generation, including
4 back-up generation to power critical facili-
5 ties and essential services, and related inte-
6 gration components, such as advanced in-
7 verter technology;

8 “(v) microgrid systems, including hy-
9 brid microgrid systems for isolated commu-
10 nities;

11 “(vi) combined heat and power;

12 “(vii) waste heat resources;

13 “(viii) non-grid-scale energy storage
14 technologies;

15 “(ix) wiring, cabling, and other dis-
16 tribution components, including submersible
17 distribution components, and enclosures;

18 “(x) electronically controlled reclosers
19 and similar technologies for power restora-
20 tion, including emergency mobile sub-
21 stations, as defined in section 1105 of the
22 North American Energy Security and In-
23 frastructure Act of 2016;

24 “(xi) advanced energy analytics tech-
25 nology, such as Internet-based and cloud-

1 *based computing solutions and subscription*
2 *licensing models;*

3 “(xii) *measures that enhance resilience*
4 *through planning, preparation, response,*
5 *and recovery activities;*

6 “(xiii) *operational capabilities to en-*
7 *hance resilience through rapid response re-*
8 *covery; and*

9 “(xiv) *measures to ensure availability*
10 *of key critical components through con-*
11 *tracts, cooperative agreements, stockpiling*
12 *and prepositioning, or other measures.*

13 “(C) *RATE RECOVERY.—Each State regu-*
14 *latory authority (with respect to each electric*
15 *utility for which it has ratemaking authority)*
16 *shall consider authorizing each such electric util-*
17 *ity to recover any capital, operating expenditure,*
18 *or other costs of the electric utility related to the*
19 *procurement, deployment, or use of resiliency-re-*
20 *lated technologies, including a reasonable rate of*
21 *return on the capital expenditures of the electric*
22 *utility for the procurement, deployment, or use of*
23 *resiliency-related technologies.*

24 “(21) *PROMOTING INVESTMENTS IN ADVANCED*
25 *ENERGY ANALYTICS TECHNOLOGY.—*

1 “(A) *IN GENERAL.*—Each electric utility
2 shall develop and implement a plan for deploy-
3 ing advanced energy analytics technology.

4 “(B) *RATE RECOVERY.*—Each State regu-
5 latory authority (with respect to each electric
6 utility for which it has ratemaking authority)
7 shall consider confirming and clarifying, if nec-
8 essary, that each such electric utility is author-
9 ized to recover the costs of the electric utility re-
10 lating to the procurement, deployment, or use of
11 advanced energy analytics technology, including
12 a reasonable rate of return on all such costs in-
13 curred by the electric utility for the procurement,
14 deployment, or use of advanced energy analytics
15 technology, provided such technology is used by
16 the electric utility for purposes of realizing oper-
17 ational efficiencies, cost savings, enhanced energy
18 management and customer engagement, improve-
19 ments in system reliability, safety, and cyberse-
20 curity, or other benefits to ratepayers.

21 “(C) *ADVANCED ENERGY ANALYTICS TECH-*
22 *NOLOGY.*—For purposes of this paragraph, exam-
23 ples of advanced energy analytics technology in-
24 clude Internet-based and cloud-based computing
25 solutions and subscription licensing models, in-

1 *cluding software as a service that uses cyber-*
 2 *physical systems to allow the correlation of data*
 3 *aggregated from appropriate data sources and*
 4 *smart grid sensor networks, employs analytics*
 5 *and machine learning, or employs other ad-*
 6 *vanced computing solutions and models.*

7 “(22) *ASSURING ELECTRIC RELIABILITY WITH*
 8 *RELIABLE GENERATION.—*

9 “(A) *ASSURANCE OF ELECTRIC RELI-*
 10 *ABILITY.—Each electric utility shall adopt or*
 11 *modify policies to ensure that such electric util-*
 12 *ity incorporates reliable generation into its inte-*
 13 *grated resource plan to assure the availability of*
 14 *electric energy over a 10-year planning period.*

15 “(B) *RELIABLE GENERATION.—For pur-*
 16 *poses of this paragraph, ‘reliable generation’*
 17 *means electric generation facilities with reli-*
 18 *ability attributes that include—*

19 “(i)(I) *possession of adequate fuel on-*
 20 *site to enable operation for an extended pe-*
 21 *riod of time;*

22 “(II) *the operational ability to gen-*
 23 *erate electric energy from more than one*
 24 *source; or*

1 “(III) fuel certainty, through firm con-
2 tractual obligations (which may not be re-
3 quired to be for a period longer than one
4 year), that ensures adequate fuel supply to
5 enable operation, for an extended period of
6 time, for the duration of an emergency or
7 severe weather conditions;

8 “(ii) operational characteristics that
9 enable the generation of electric energy for
10 the duration of an emergency or severe
11 weather conditions; and

12 “(iii) unless procured through other
13 procurement mechanisms, essential reli-
14 ability services, including frequency support
15 and regulation services.

16 “(23) *SUBSIDIZATION OF CUSTOMER-SIDE TECH-*
17 *NOLOGY.—*

18 “(A) *CONSIDERATION.—To the extent that a*
19 *State regulatory authority may require or allow*
20 *rates charged by any electric utility for which it*
21 *has ratemaking authority to electric consumers*
22 *that do not use a customer-side technology to in-*
23 *clude any cost, fee, or charge that directly or in-*
24 *directly cross-subsidizes the deployment, con-*
25 *struction, maintenance, or operation of that cus-*

1 *customer-side technology, such authority shall evalu-*
2 *ate whether subsidizing the deployment, con-*
3 *struction, maintenance, or operation of a cus-*
4 *tomerside technology would—*

5 *“(i) result in benefits predominately*
6 *enjoyed by only the users of that customer-*
7 *side technology;*

8 *“(ii) shift costs of a customer-side tech-*
9 *nology to electricity consumers that do not*
10 *use that customer-side technology, particu-*
11 *larly where disparate economic or resource*
12 *conditions exist among the electricity con-*
13 *sumers cross-subsidizing the customer-side*
14 *technology;*

15 *“(iii) negatively affect resource utiliza-*
16 *tion, fuel diversity, or grid security;*

17 *“(iv) provide any unfair competitive*
18 *advantage to market the customer-side tech-*
19 *nology; and*

20 *“(v) be necessary to fulfill an obliga-*
21 *tion to serve electric consumers.*

22 *“(B) PUBLIC NOTICE.—Each State regu-*
23 *latory authority shall make available to the pub-*
24 *lic the evaluation completed under subparagraph*
25 *(A) at least 90 days prior to any proceedings in*

1 *which such authority considers the cross-sub-*
 2 *sidization of a customer-side technology.*

3 “(C) *CUSTOMER-SIDE TECHNOLOGY.*—*For*
 4 *purposes of this paragraph, the term ‘customer-*
 5 *side technology’ means a device connected to the*
 6 *electricity distribution system—*

7 *“(i) at, or on the customer side of, the*
 8 *meter; or*

9 *“(ii) that, if owned or operated by or*
 10 *on behalf of an electric utility, would other-*
 11 *wise be at, or on the customer side of, the*
 12 *meter.”.*

13 (2) *COMPLIANCE.*—

14 (A) *TIME LIMITATIONS.*—*Section 112(b) of*
 15 *the Public Utility Regulatory Policies Act of*
 16 *1978 (16 U.S.C. 2622(b)) is amended by adding*
 17 *at the end the following:*

18 *“(7)(A) Not later than 1 year after the date of*
 19 *enactment of this paragraph, each State regulatory*
 20 *authority (with respect to each electric utility for*
 21 *which it has ratemaking authority) and each non-*
 22 *regulated electric utility, as applicable, shall com-*
 23 *mence the consideration referred to in section 111, or*
 24 *set a hearing date for consideration, with respect to*

1 *the standards established by paragraphs (20), (22),*
2 *and (23) of section 111(d).*

3 *“(B) Not later than 2 years after the date of the*
4 *enactment of this paragraph, each State regulatory*
5 *authority (with respect to each electric utility for*
6 *which it has ratemaking authority) and each non-*
7 *regulated electric utility, as applicable, shall complete*
8 *the consideration, and shall make the determination,*
9 *referred to in section 111 with respect to each stand-*
10 *ard established by paragraphs (20), (22), and (23) of*
11 *section 111(d).*

12 *“(8)(A) Not later than 6 months after the date*
13 *of enactment of this paragraph, each State regulatory*
14 *authority (with respect to each electric utility for*
15 *which it has ratemaking authority) and each non-*
16 *regulated electric utility shall commence the consider-*
17 *ation referred to in section 111, or set a hearing date*
18 *for consideration, with respect to the standard estab-*
19 *lished by paragraph (21) of section 111(d).*

20 *“(B) Not later than 1 year after the date of en-*
21 *actment of this paragraph, each State regulatory au-*
22 *thority (with respect to each electric utility for which*
23 *it has ratemaking authority) and each nonregulated*
24 *electric utility shall complete the consideration, and*
25 *shall make the determination, referred to in section*

1 111 with respect to the standard established by para-
2 graph (21) of section 111(d).”.

3 (B) *FAILURE TO COMPLY.*—Section 112(c)
4 of the *Public Utility Regulatory Policies Act of*
5 1978 (16 U.S.C. 2622(c)) is amended by adding
6 the following at the end: “In the case of the
7 standards established by paragraphs (20)
8 through (23) of section 111(d), the reference con-
9 tained in this subsection to the date of enactment
10 of this Act shall be deemed to be a reference to
11 the date of enactment of such paragraphs.”.

12 (C) *PRIOR STATE ACTIONS.*—Section 112 of
13 the *Public Utility Regulatory Policies Act of*
14 1978 (16 U.S.C. 2622) is amended by adding at
15 the end the following new subsection:

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

20 “(1) before the date of enactment of this sub-
21 section, the State has implemented for such utility the
22 standard concerned (or a comparable standard);

23 “(2) the State regulatory authority for such
24 State or relevant nonregulated electric utility has con-
25 ducted a proceeding to consider implementation of the

1 *standard concerned (or a comparable standard) for*
 2 *such utility during the 3-year period ending on the*
 3 *date of enactment of this subsection; or*

4 *“(3) the State legislature has voted on the imple-*
 5 *mentation of the standard concerned (or a comparable*
 6 *standard) for such utility during the 3-year period*
 7 *ending on the date of enactment of this subsection.”.*

8 *(b) COVERAGE FOR COMPETITIVE MARKETS.—Section*
 9 *102 of the Public Utility Regulatory Policies Act of 1978*
 10 *(16 U.S.C. 2612) is amended by adding at the end the fol-*
 11 *lowing:*

12 *“(d) COVERAGE FOR COMPETITIVE MARKETS.—The*
 13 *requirements of this title do not apply to the operations of*
 14 *an electric utility, or to proceedings respecting such oper-*
 15 *ations, to the extent that such operations or proceedings,*
 16 *or any portion thereof, relate to the competitive sale of retail*
 17 *electric energy that is unbundled or separated from the reg-*
 18 *ulated provision or sale of distribution service.”.*

19 **SEC. 1108. RELIABILITY ANALYSIS FOR CERTAIN RULES**
 20 **THAT AFFECT ELECTRIC GENERATING FA-**
 21 **CILITIES.**

22 *(a) APPLICABILITY.—This section shall apply with re-*
 23 *spect to any proposed or final covered rule issued by a Fed-*
 24 *eral agency for which compliance with the rule may impact*
 25 *an electric utility generating unit or units, including by*

1 *resulting in closure or interruption to operations of such*
2 *a unit or units.*

3 *(b) RELIABILITY ANALYSIS.—*

4 *(1) ANALYSIS OF RULES.—The Federal Energy*
5 *Regulatory Commission, in consultation with the*
6 *Electric Reliability Organization, shall conduct an*
7 *independent reliability analysis of a proposed or final*
8 *covered rule under this section to evaluate the antici-*
9 *ipated effects of implementation and enforcement of*
10 *the rule on—*

11 *(A) electric reliability and resource ade-*
12 *quacy;*

13 *(B) the electricity generation portfolio of the*
14 *United States;*

15 *(C) the operation of wholesale electricity*
16 *markets; and*

17 *(D) energy delivery and infrastructure, in-*
18 *cluding electric transmission facilities and nat-*
19 *ural gas pipelines.*

20 *(2) RELEVANT INFORMATION.—*

21 *(A) MATERIALS FROM FEDERAL AGEN-*
22 *CIES.—A Federal agency shall provide to the*
23 *Commission materials and information relevant*
24 *to the analysis required under paragraph (1) for*
25 *a rule, including relevant data, modeling, and*

1 *resource adequacy and reliability assessments,*
2 *prepared or relied upon by such agency in devel-*
3 *oping the rule.*

4 (B) *ANALYSES FROM OTHER ENTITIES.—*
5 *The Electric Reliability Organization, regional*
6 *entities, regional transmission organizations,*
7 *independent system operators, and other reli-*
8 *ability coordinators and planning authorities*
9 *shall timely conduct analyses and provide such*
10 *information as may be reasonably requested by*
11 *the Commission.*

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

16 (c) *PROPOSED RULES.—Not later than 150 days after*
17 *the date of publication in the Federal Register of a proposed*
18 *rule described in subsection (a), the Federal Energy Regu-*
19 *latory Commission shall make available to the public an*
20 *analysis of the proposed rule conducted in accordance with*
21 *subsection (b), and any relevant special assessment or sea-*
22 *sonal or long-term reliability assessment completed by the*
23 *Electric Reliability Organization.*

24 (d) *FINAL RULES.—*

1 (1) *INCLUSION.*—A final rule described in sub-
2 section (a) shall include, if available at the time of
3 issuance, a copy of the analysis conducted pursuant
4 to subsection (c) of the rule as proposed.

5 (2) *ANALYSIS.*—Not later than 120 days after
6 the date of publication in the Federal Register of a
7 final rule described in subsection (a), the Federal En-
8 ergy Regulatory Commission shall make available to
9 the public an analysis of the final rule conducted in
10 accordance with subsection (b), and any relevant spe-
11 cial assessment or seasonal or long-term reliability as-
12 sessment completed by the Electric Reliability Orga-
13 nization.

14 (e) *DEFINITIONS.*—In this section:

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

19 (2) *FEDERAL AGENCY.*—The term “Federal agen-
20 cy” means an agency, as that term is defined in sec-
21 tion 551 of title 5, United States Code.

22 (3) *COVERED RULE.*—The term “covered rule”
23 means a proposed or final rule that is estimated by
24 the Federal agency issuing the rule, or the Director of
25 the Office of Management and Budget, to result in an

1 *annual effect on the economy of \$1,000,000,000 or*
2 *more.*

3 **SEC. 1109. INCREASED ACCOUNTABILITY WITH RESPECT TO**
4 **CARBON CAPTURE, UTILIZATION, AND SE-**
5 **QUESTRATION PROJECTS.**

6 *(a) DOE EVALUATION.—*

7 *(1) IN GENERAL.—The Secretary of Energy (in*
8 *this section referred to as the “Secretary”) shall, in*
9 *accordance with this section, annually conduct an*
10 *evaluation, and make recommendations, with respect*
11 *to each project conducted by the Secretary for re-*
12 *search, development, demonstration, or deployment of*
13 *carbon capture, utilization, and sequestration tech-*
14 *nologies (also known as carbon capture and storage*
15 *and utilization technologies).*

16 *(2) SCOPE.—For purposes of this section, a*
17 *project includes any contract, lease, cooperative agree-*
18 *ment, or other similar transaction with a public*
19 *agency or private organization or person, entered into*
20 *or performed, or any payment made, by the Secretary*
21 *for research, development, demonstration, or deploy-*
22 *ment of carbon capture, utilization, and sequestration*
23 *technologies.*

1 (b) *REQUIREMENTS FOR EVALUATION.*—*In conducting*
2 *an evaluation of a project under this section, the Secretary*
3 *shall—*

4 (1) *examine if the project has made advance-*
5 *ments toward achieving any specific goal of the*
6 *project with respect to a carbon capture, utilization,*
7 *and sequestration technology; and*

8 (2) *evaluate and determine if the project has*
9 *made significant progress in advancing a carbon cap-*
10 *ture, utilization, and sequestration technology.*

11 (c) *RECOMMENDATIONS.*—*For each evaluation of a*
12 *project conducted under this section, if the Secretary deter-*
13 *mines that—*

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

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

23 (A) *assess the funding of the project and*
24 *make a recommendation as to whether increased*
25 *funding is necessary to advance the project;*

1 (B) assess and determine if the project has
2 reached its full potential; and

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

5 (d) *REPORTS.*—

6 (1) *REPORT ON EVALUATIONS AND REC-*
7 *COMMENDATIONS.*—Not later than 2 years after the
8 date of enactment of this Act, and every 2 years there-
9 after, the Secretary shall—

10 (A) issue a report on the evaluations con-
11 ducted and recommendations made during the
12 previous year pursuant to this section; and

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

15 (2) *REPORT.*—Not later than 2 years after the
16 date of enactment of this Act, and every 3 years there-
17 after, the Secretary shall submit to the Subcommittee
18 on Energy and Power of the Committee on Energy
19 and Commerce and the Committee on Science, Space,
20 and Technology of the House of Representatives and
21 the Committee on Energy and Natural Resources and
22 the Committee on Commerce, Science, and Transpor-
23 tation of the Senate a report on—

1 (A) the evaluations conducted and rec-
2 ommendations made during the previous 3 years
3 pursuant to this section; and

4 (B) the progress of the Department of En-
5 ergy in advancing carbon capture, utilization,
6 and sequestration technologies, including
7 progress in achieving the Department of Ener-
8 gy’s goal of having an array of advanced carbon
9 capture and sequestration technologies ready by
10 2020 for large-scale demonstration.

11 **SEC. 1110. RELIABILITY AND PERFORMANCE ASSURANCE IN**
12 **REGIONAL TRANSMISSION ORGANIZATIONS.**

13 Part II of the Federal Power Act (16 U.S.C. 824 et
14 seq.), as amended by section 1104, is further amended by
15 adding after section 215A the following new section:

16 **“SEC. 215B. RELIABILITY AND PERFORMANCE ASSURANCE**
17 **IN REGIONAL TRANSMISSION ORGANIZA-**
18 **TIONS.**

19 “(a) *EXISTING CAPACITY MARKETS.*—

20 “(1) *ANALYSIS CONCERNING CAPACITY MARKET*
21 *DESIGN.*—Not later than 180 days after the date of
22 enactment of this section, each Regional Transmission
23 Organization, and each Independent System Oper-
24 ator, that operates a capacity market, or a com-
25 parable market intended to ensure the procurement

1 *and availability of sufficient future electric energy re-*
2 *sources, that is subject to the jurisdiction of the Com-*
3 *mission, shall provide to the Commission an analysis*
4 *of how the structure of such market meets the fol-*
5 *lowing criteria:*

6 *“(A) The structure of such market utilizes*
7 *competitive market forces to the extent prac-*
8 *ticable in procuring capacity resources.*

9 *“(B) Consistent with subparagraph (A), the*
10 *structure of such market includes resource-neu-*
11 *tral performance criteria that ensure the pro-*
12 *curement of sufficient capacity from physical*
13 *generation facilities that have reliability at-*
14 *tributes that include—*

15 *“(i)(I) possession of adequate fuel on-*
16 *site to enable operation for an extended pe-*
17 *riod of time;*

18 *“(II) the operational ability to gen-*
19 *erate electric energy from more than one*
20 *fuel source; or*

21 *“(III) fuel certainty, through firm con-*
22 *tractual obligations, that ensures adequate*
23 *fuel supply to enable operation, for an ex-*
24 *tended period of time, for the duration of an*
25 *emergency or severe weather conditions;*

1 “(ii) operational characteristics that
2 enable the generation of electric energy for
3 the duration of an emergency or severe
4 weather conditions; and

5 “(iii) unless procured through other
6 markets or procurement mechanisms, essen-
7 tial reliability services, including frequency
8 support and regulation services.

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

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

21 “(B) to the extent a market so addressed
22 does not meet such criteria, any recommenda-
23 tions with respect to the procurement of suffi-
24 cient capacity, as described in paragraph (1)(B).

1 “(b) *COMMISSION EVALUATION AND REPORT FOR NEW*
2 *SCHEDULES.*—

3 “(1) *INCLUSION OF ANALYSIS IN FILING.*—*Except*
4 *as provided in subsection (a)(2), whenever a Regional*
5 *Transmission Organization or Independent System*
6 *Operator files a new schedule under section 205 to es-*
7 *tablish a market described in subsection (a)(1), or*
8 *that substantially modifies the capacity market de-*
9 *sign of a market described in subsection (a)(1), the*
10 *Regional Transmission Organization or Independent*
11 *System Operator shall include in any such filing the*
12 *analysis required by subsection (a)(1).*

13 “(2) *EVALUATION AND REPORT.*—*Not later than*
14 *180 days of receiving an analysis under paragraph*
15 *(1), the Commission shall make publicly available,*
16 *and submit to the Committee on Energy and Com-*
17 *merce in the House of Representatives and the Com-*
18 *mittee on Energy and Natural Resources in the Sen-*
19 *ate, a report containing—*

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

24 “(B) *to the extent the market does not meet*
25 *such criteria, any recommendations with respect*

1 to the procurement of sufficient capacity, as de-
2 scribed in subsection (a)(1)(B).

3 “(c) *EFFECT ON EXISTING APPROVALS.*—Nothing in
4 this section shall be considered to—

5 “(1) require a modification of the Commission’s
6 approval of the capacity market design approved pur-
7 suant to docket numbers ER15–623–000, EL15–29–
8 000, EL14–52–000, and ER14–2419–000; or

9 “(2) provide grounds for the Commission to
10 grant rehearing or otherwise modify orders issued in
11 those dockets.”.

12 **SEC. 1111. ETHANE STORAGE STUDY.**

13 (a) *IN GENERAL.*—The Secretary of Energy and the
14 Secretary of Commerce, in consultation with other relevant
15 agencies and stakeholders, shall conduct a study on the fea-
16 sibility of establishing an ethane storage and distribution
17 hub in the United States.

18 (b) *CONTENTS.*—The study conducted under subsection

19 (a) shall include—

20 (1) an examination of—

21 (A) potential locations;

22 (B) economic feasibility;

23 (C) economic benefits;

24 (D) geological storage capacity capabilities;

25 (E) above ground storage capabilities;

1 (F) *infrastructure needs; and*

2 (G) *other markets and trading hubs, par-*
3 *ticularly related to ethane; and*

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

6 (c) *PUBLICATION OF RESULTS.*—*Not later than 2*
7 *years after the date of enactment of this Act, the Secretaries*
8 *of Energy and Commerce shall publish the results of the*
9 *study conducted under subsection (a) on the websites of the*
10 *Departments of Energy and Commerce, respectively, and*
11 *shall submit such results to the Committee on Energy and*
12 *Commerce of the House of Representatives and the Commit-*
13 *tees on Energy and Natural Resources and Commerce,*
14 *Science, and Transportation of the Senate.*

15 **SEC. 1112. STATEMENT OF POLICY ON GRID MODERNIZA-**
16 **TION.**

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

19 (1) *the modernization of the energy delivery in-*
20 *frastructure of the United States, and bolster the reli-*
21 *ability, affordability, diversity, efficiency, security,*
22 *and resiliency of domestic energy supplies, through*
23 *advanced grid technologies;*

24 (2) *the modernization of the electric grid to en-*
25 *able a robust multi-directional power flow that*

1 *leverages centralized energy resources and distributed*
2 *energy resources, enables robust retail transactions,*
3 *and facilitates the alignment of business and regu-*
4 *latory models to achieve a grid that optimizes the en-*
5 *tire electric delivery system;*

6 *(3) relevant research and development in ad-*
7 *vanced grid technologies, including—*

8 *(A) energy storage;*

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

12 *(C) power electronics, including smart in-*
13 *verters, that ease the challenge of intermittent re-*
14 *newable resources and distributed generation;*

15 *(D) real-time data and situational aware-*
16 *ness tools and systems; and*

17 *(E) tools to increase data security, physical*
18 *security, and cybersecurity awareness and pro-*
19 *tection;*

20 *(4) the leadership of the United States in basic*
21 *and applied sciences to develop a systems approach to*
22 *innovation and development of cyber-secure advanced*
23 *grid technologies, architectures, and control para-*
24 *digms capable of managing diverse supplies and*
25 *loads;*

1 (5) *the safeguarding of the critical energy deliv-*
2 *ery infrastructure of the United States and the en-*
3 *hanced resilience of the infrastructure to all hazards,*
4 *including—*

5 (A) *severe weather events;*

6 (B) *cyber and physical threats; and*

7 (C) *other factors that affect energy delivery;*

8 (6) *the coordination of goals, investments to opti-*
9 *mize the grid, and other measures for energy effi-*
10 *ciency, advanced grid technologies, interoperability,*
11 *and demand response-side management resources;*

12 (7) *partnerships with States and the private sec-*
13 *tor—*

14 (A) *to facilitate advanced grid capabilities*
15 *and strategies; and*

16 (B) *to provide technical assistance, tools, or*
17 *other related information necessary to enhance*
18 *grid integration, particularly in connection with*
19 *the development at the State and local levels of*
20 *strategic energy, energy surety and assurance,*
21 *and emergency preparedness, response, and res-*
22 *toration planning;*

23 (8) *the deployment of information and commu-*
24 *nications technologies at all levels of the electric sys-*
25 *tem;*

1 (9) *opportunities to provide consumers with*
2 *timely information and advanced control options;*

3 (10) *sophisticated or advanced control options to*
4 *integrate distributed energy resources and associated*
5 *ancillary services;*

6 (11) *open-source communications, database ar-*
7 *chitectures, and common information model stand-*
8 *ards, guidelines, and protocols that enable interoper-*
9 *ability to maximize efficiency gains and associated*
10 *benefits among—*

11 (A) *the grid;*

12 (B) *energy and building management sys-*
13 *tems; and*

14 (C) *residential, commercial, and industrial*
15 *equipment;*

16 (12) *private sector investment in the energy de-*
17 *livery infrastructure of the United States through tar-*
18 *geted demonstration and validation of advanced grid*
19 *technologies; and*

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

23 **SEC. 1113. GRID RESILIENCE REPORT.**

24 *Not later than 120 days after the date of enactment*
25 *of this Act, the Secretary of Energy shall submit to the Con-*

1 *gress a report on methods to increase electric grid resilience*
 2 *with respect to all threats, including cyber attacks, van-*
 3 *dalism, terrorism, and severe weather.*

4 **SEC. 1114. GAO REPORT ON IMPROVING NATIONAL RE-**
 5 **SPONSE CENTER.**

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

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

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

13 *(1) In subsection (b)—*

14 *(A) by striking “(b)(1) For the purposes of*
 15 *this section ‘Federal lands’ means” and inserting*
 16 *the following:*

17 *“(b)(1) For the purposes of this section ‘Federal*
 18 *lands’—*

19 *“(A) except as provided in subparagraph (B),*
 20 *means”;*

21 *(B) by striking the period at the end of*
 22 *paragraph (1) and inserting “; and” and by*
 23 *adding at the end of paragraph (1) the following:*

1 “(B) for purposes of granting an application for
2 a natural gas pipeline right-of-way, means all lands
3 owned by the United States except—

4 “(i) such lands held in trust for an Indian
5 or Indian tribe; and

6 “(ii) lands on the Outer Continental
7 Shelf.”.

8 (2) By redesignating subsection (b), as so
9 amended, as subsection (z), and transferring such sub-
10 section to appear after subsection (y) of that section.

11 (3) By inserting after subsection (a) the fol-
12 lowing:

13 “(b) NATIONAL ENERGY SECURITY CORRIDORS.—

14 “(1) DESIGNATION.—In addition to other au-
15 thorities under this section, the Secretary shall—

16 “(A) identify and designate suitable Federal
17 lands as National Energy Security Corridors (in
18 this subsection referred to as a ‘Corridor’), which
19 shall be used for construction, operation, and
20 maintenance of natural gas transmission facili-
21 ties; and

22 “(B) incorporate such Corridors upon des-
23 ignation into the relevant agency land use and
24 resource management plans or equivalent plans.

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

4 “(A) *employ the principle of multiple use to*
5 *ensure route decisions balance national energy*
6 *security needs with existing land use principles;*

7 “(B) *seek input from other Federal counter-*
8 *parts, State, local, and tribal governments, and*
9 *affected utility and pipeline industries to deter-*
10 *mine the best suitable, most cost-effective, and*
11 *commercially viable acreage for natural gas*
12 *transmission facilities;*

13 “(C) *focus on transmission routes that im-*
14 *prove domestic energy security through increas-*
15 *ing reliability, relieving congestion, reducing*
16 *natural gas prices, and meeting growing demand*
17 *for natural gas; and*

18 “(D) *take into account technological inno-*
19 *vations that reduce the need for surface disturb-*
20 *ance.*

21 “(3) *PROCEDURES.*—*The Secretary shall estab-*
22 *lish procedures to expedite and approve applications*
23 *for rights-of-way for natural gas pipelines across Na-*
24 *tional Energy Security Corridors, that—*

1 “(A) ensure a transparent process for re-
2 view of applications for rights-of-way on such
3 corridors;

4 “(B) require an approval time of not more
5 than 1 year after the date of receipt of an appli-
6 cation for a right-of-way; and

7 “(C) require, upon receipt of such an appli-
8 cation, notice to the applicant of a predictable
9 timeline for consideration of the application,
10 that clearly delineates important milestones in
11 the process of such consideration.

12 “(4) STATE INPUT.—

13 “(A) REQUESTS AUTHORIZED.—The Gov-
14 ernor of a State may submit requests to the Sec-
15 retary of the Interior to designate Corridors on
16 Federal land in that State.

17 “(B) CONSIDERATION OF REQUESTS.—After
18 receiving such a request, the Secretary shall re-
19 spond in writing, within 30 days—

20 “(i) acknowledging receipt of the re-
21 quest; and

22 “(ii) setting forth a timeline in which
23 the Secretary shall grant, deny, or modify
24 such request and state the reasons for doing
25 so.

1 “(5) *SPATIAL DISTRIBUTION OF CORRIDORS.*—*In*
2 *implementing this subsection, the Secretary shall co-*
3 *ordinate with other Federal Departments to—*

4 “(A) *minimize the proliferation of duplica-*
5 *tive natural gas pipeline rights-of-way on Fed-*
6 *eral lands where feasible;*

7 “(B) *ensure Corridors can connect effec-*
8 *tively across Federal lands; and*

9 “(C) *utilize input from utility and pipeline*
10 *industries submitting applications for rights-of-*
11 *way to site corridors in economically feasible*
12 *areas that reduce impacts, to the extent prac-*
13 *ticable, on local communities.*

14 “(6) *NOT A MAJOR FEDERAL ACTION.*—*Designa-*
15 *tion of a Corridor under this subsection, and incorpo-*
16 *ration of Corridors into agency plans under para-*
17 *graph (1)(B), shall not be treated as a major Federal*
18 *action for purpose of section 102 of the National En-*
19 *vironmental Policy Act of 1969 (42 U.S.C. 4332).*

20 “(7) *NO LIMIT ON NUMBER OR LENGTH OF COR-*
21 *RIDORS.*—*Nothing in this subsection limits the num-*
22 *ber or physical dimensions of Corridors that the Sec-*
23 *retary may designate under this subsection.*

24 “(8) *OTHER AUTHORITY NOT AFFECTED.*—*Noth-*
25 *ing in this subsection affects the authority of the Sec-*

1 *retary to issue rights-of-way on Federal land that is*
2 *not located in a Corridor designated under this sub-*
3 *section.*

4 “(9) *NEPA CLARIFICATION.*—*All applications*
5 *for rights-of-way for natural gas transmission facili-*
6 *ties across Corridors designated under this subsection*
7 *shall be subject to the environmental protections out-*
8 *lined in subsection (h).”.*

9 (b) *APPLICATIONS RECEIVED BEFORE DESIGNATION*
10 *OF CORRIDORS.*—*Any application for a right-of-way under*
11 *section 28 of the Mineral Leasing Act (30 U.S.C. 185) that*
12 *is received by the Secretary of the Interior before designa-*
13 *tion of National Energy Security Corridors under the*
14 *amendment made by subsection (a) of this section shall be*
15 *reviewed and acted upon independently by the Secretary*
16 *without regard to the process for such designation.*

17 (c) *DEADLINE.*—*Within 2 years after the date of the*
18 *enactment of this Act, the Secretary of the Interior shall*
19 *designate at least 10 National Energy Security Corridors*
20 *under the amendment made by subsection (a) in States re-*
21 *ferred to in section 368(b) of the Energy Policy Act of 2005*
22 *(42 U.S.C. 15926(b)).*

1 **SEC. 1116. VEGETATION MANAGEMENT, FACILITY INSPEC-**
2 **TION, AND OPERATION AND MAINTENANCE**
3 **ON FEDERAL LANDS CONTAINING ELECTRIC**
4 **TRANSMISSION AND DISTRIBUTION FACILI-**
5 **TIES.**

6 (a) *IN GENERAL.*—*Title V of the Federal Land Policy*
7 *and Management Act of 1976 (43 U.S.C. 1761 et seq.) is*
8 *amended by adding at the end the following new section:*

9 **“SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPEC-**
10 **TION, AND OPERATION AND MAINTENANCE**
11 **RELATING TO ELECTRIC TRANSMISSION AND**
12 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

13 *“(a) GENERAL DIRECTION.*—*In order to enhance the*
14 *reliability of the electric grid and reduce the threat of*
15 *wildfires to and from electric transmission and distribution*
16 *rights-of-way and related facilities and adjacent property,*
17 *the Secretary, with respect to public lands and other lands*
18 *under the jurisdiction of the Secretary, and the Secretary*
19 *of Agriculture, with respect to National Forest System*
20 *lands, shall provide direction to ensure that all existing and*
21 *future rights-of-way, however established (including by*
22 *grant, special use authorization, and easement), for electric*
23 *transmission and distribution facilities on such lands in-*
24 *clude provisions for utility vegetation management, facility*
25 *inspection, and operation and maintenance activities that,*
26 *while consistent with applicable law—*

1 “(1) are developed in consultation with the hold-
2 er of the right-of-way;

3 “(2) enable the owner or operator of an electric
4 transmission and distribution facility to operate and
5 maintain the facility in good working order and to
6 comply with Federal, State, and local electric system
7 reliability and fire safety requirements, including re-
8 liability standards established by the North American
9 Electric Reliability Corporation and plans to meet
10 such reliability standards;

11 “(3) minimize the need for case-by-case or an-
12 nual approvals for—

13 “(A) routine vegetation management, facil-
14 ity inspection, and operation and maintenance
15 activities within existing electric transmission
16 and distribution rights-of-way; and

17 “(B) utility vegetation management activi-
18 ties that are necessary to control hazard trees
19 within or adjacent to electric transmission and
20 distribution rights-of-way; and

21 “(4) when review is required, provide for expe-
22 dited review and approval of utility vegetation man-
23 agement, facility inspection, and operation and
24 maintenance activities, especially activities requiring

1 *prompt action to avoid an adverse impact on human*
2 *safety or electric reliability to avoid fire hazards.*

3 “(b) *VEGETATION MANAGEMENT, FACILITY INSPEC-*
4 *TION, AND OPERATION AND MAINTENANCE PLANS.—*

5 “(1) *DEVELOPMENT AND SUBMISSION.—Con-*
6 *sistent with subsection (a), the Secretary and the Sec-*
7 *retary of Agriculture shall provide owners and opera-*
8 *tors of electric transmission and distribution facilities*
9 *located on lands described in such subsection with the*
10 *option to develop and submit a vegetation manage-*
11 *ment, facility inspection, and operation and mainte-*
12 *nance plan, that at each owner or operator’s discre-*
13 *tion may cover some or all of the owner or operator’s*
14 *electric transmission and distribution rights-of-way*
15 *on Federal lands, for approval to the Secretary with*
16 *jurisdiction over the lands. A plan under this para-*
17 *graph shall enable the owner or operator of an electric*
18 *transmission and distribution facility, at a min-*
19 *imum, to comply with applicable Federal, State, and*
20 *local electric system reliability and fire safety require-*
21 *ments, as provided in subsection (a)(2). The Secre-*
22 *taries shall not have the authority to modify those re-*
23 *quirements.*

24 “(2) *REVIEW AND APPROVAL PROCESS.—The*
25 *Secretary and the Secretary of Agriculture shall joint-*

1 *ly develop a consolidated and coordinated process for*
2 *review and approval of—*

3 *“(A) vegetation management, facility in-*
4 *spection, and operation and maintenance plans*
5 *submitted under paragraph (1) that—*

6 *“(i) assures prompt review and ap-*
7 *proval not to exceed 90 days;*

8 *“(ii) includes timelines and bench-*
9 *marks for agency comments on submitted*
10 *plans and final approval of such plans;*

11 *“(iii) is consistent with applicable law;*

12 *and*

13 *“(iv) minimizes the costs of the process*
14 *to the reviewing agency and the entity sub-*
15 *mitting the plans; and*

16 *“(B) amendments to the plans in a prompt*
17 *manner if changed conditions necessitate a modi-*
18 *fication to a plan.*

19 *“(3) NOTIFICATION.—The review and approval*
20 *process under paragraph (2) shall—*

21 *“(A) include notification by the agency of*
22 *any changed conditions that warrant a modi-*
23 *fication to a plan;*

24 *“(B) provide an opportunity for the owner*
25 *or operator to submit a proposed plan amend-*

1 *ment to address directly the changed condition;*
2 *and*

3 “(C) *allow the owner or operator to con-*
4 *tinue to implement those elements of the ap-*
5 *proved plan that do not directly and adversely*
6 *affect the condition precipitating the need for*
7 *modification.*

8 “(4) *CATEGORICAL EXCLUSION PROCESS.—The*
9 *Secretary and the Secretary of Agriculture shall*
10 *apply his or her categorical exclusion process under*
11 *the National Environmental Policy Act of 1969 (42*
12 *U.S.C. 4321 et seq.) to plans developed under this*
13 *subsection on existing electric transmission and dis-*
14 *tribution rights-of-way under this subsection.*

15 “(5) *IMPLEMENTATION.—A plan approved under*
16 *this subsection shall become part of the authorization*
17 *governing the covered right-of-way and hazard trees*
18 *adjacent to the right-of-way. If a vegetation manage-*
19 *ment plan is proposed for an existing electric trans-*
20 *mission and distribution facility concurrent with the*
21 *siting of a new electric transmission or distribution*
22 *facility, necessary reviews shall be completed as part*
23 *of the siting process or sooner. Once the plan is ap-*
24 *proved, the owner or operator shall provide the agency*
25 *with only a notification of activities anticipated to be*

1 *undertaken in the coming year, a description of those*
2 *activities, and certification that the activities are in*
3 *accordance with the plan.*

4 *“(c) RESPONSE TO EMERGENCY CONDITIONS.—If vege-*
5 *tation on Federal lands within, or hazard trees on Federal*
6 *lands adjacent to, an electric transmission or distribution*
7 *right-of-way granted by the Secretary or the Secretary of*
8 *Agriculture has contacted or is in imminent danger of con-*
9 *tacting one or more electric transmission or distribution*
10 *lines, the owner or operator of the electric transmission or*
11 *distribution lines—*

12 *“(1) may prune or remove the vegetation to*
13 *avoid the disruption of electric service and risk of*
14 *fire; and*

15 *“(2) shall notify the appropriate local agent of*
16 *the relevant Secretary not later than 24 hours after*
17 *such removal.*

18 *“(d) COMPLIANCE WITH APPLICABLE RELIABILITY*
19 *AND SAFETY STANDARDS.—If vegetation on Federal lands*
20 *within or adjacent to an electric transmission or distribu-*
21 *tion right-of-way under the jurisdiction of each Secretary*
22 *does not meet clearance requirements under standards es-*
23 *tablished by the North American Electric Reliability Cor-*
24 *poration, or by State and local authorities, and the Sec-*
25 *retary having jurisdiction over the lands has failed to act*

1 *to allow an electric transmission or distribution facility*
2 *owner or operator to conduct vegetation management ac-*
3 *tivities within 3 business days after receiving a request to*
4 *allow such activities, the owner or operator may, after noti-*
5 *fying the Secretary, conduct such vegetation management*
6 *activities to meet those clearance requirements.*

7 “(e) *REPORTING REQUIREMENT.*—*The Secretary or*
8 *Secretary of Agriculture shall report requests and actions*
9 *made under subsections (c) and (d) annually on each Sec-*
10 *retary’s website.*

11 “(f) *LIABILITY.*—*An owner or operator of an electric*
12 *transmission or distribution facility shall not be held liable*
13 *for wildfire damage, loss, or injury, including the cost of*
14 *fire suppression, if—*

15 “(1) *the Secretary or the Secretary of Agri-*
16 *culture fails to allow the owner or operator to operate*
17 *consistently with an approved vegetation manage-*
18 *ment, facility inspection, and operation and mainte-*
19 *nance plan on Federal lands under the relevant Sec-*
20 *retary’s jurisdiction within or adjacent to a right-of-*
21 *way to comply with Federal, State, or local electric*
22 *system reliability and fire safety standards, including*
23 *standards established by the North American Electric*
24 *Reliability Corporation; or*

1 “(2) *the Secretary or the Secretary of Agri-*
2 *culture fails to allow the owner or operator of the elec-*
3 *tric transmission or distribution facility to perform*
4 *appropriate vegetation management activities in re-*
5 *sponse to an identified hazard tree, or a tree in im-*
6 *minent danger of contacting the owner’s or operator’s*
7 *electric transmission or distribution facility.*

8 “(g) *TRAINING AND GUIDANCE.—In consultation with*
9 *the electric utility industry, the Secretary and the Secretary*
10 *of Agriculture are encouraged to develop a program to train*
11 *personnel of the Department of the Interior and the Forest*
12 *Service involved in vegetation management decisions relat-*
13 *ing to electric transmission and distribution facilities to en-*
14 *sure that such personnel—*

15 “(1) *understand electric system reliability and*
16 *fire safety requirements, including reliability stand-*
17 *ards established by the North American Electric Reli-*
18 *ability Corporation;*

19 “(2) *assist owners and operators of electric*
20 *transmission and distribution facilities to comply*
21 *with applicable electric reliability and fire safety re-*
22 *quirements; and*

23 “(3) *encourage and assist willing owners and op-*
24 *erators of electric transmission and distribution fa-*
25 *cilities to incorporate on a voluntary basis vegetation*

1 *management practices to enhance habitats and forage*
 2 *for pollinators and for other wildlife so long as the*
 3 *practices are compatible with the integrated vegeta-*
 4 *tion management practices necessary for reliability*
 5 *and safety.*

6 “(h) *IMPLEMENTATION.—The Secretary and the Sec-*
 7 *retary of Agriculture shall—*

8 *“(1) not later than one year after the date of the*
 9 *enactment of this section, propose regulations, or*
 10 *amended existing regulations, to implement this sec-*
 11 *tion; and*

12 *“(2) not later than two years after the date of the*
 13 *enactment of this section, finalize regulations, or*
 14 *amended existing regulations, to implement this sec-*
 15 *tion.*

16 “(i) *EXISTING VEGETATION MANAGEMENT, FACILITY*
 17 *INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—*
 18 *Nothing in this section requires an owner or operator to*
 19 *develop and submit a vegetation management, facility in-*
 20 *spection, and operation and maintenance plan if one has*
 21 *already been approved by the Secretary or Secretary of Ag-*
 22 *riculture before the date of the enactment of this section.*

23 “(j) *DEFINITIONS.—In this section:*

24 *“(1) HAZARD TREE.—The term ‘hazard tree’*
 25 *means any tree inside the right-of-way or located out-*

1 *side the right-of-way that has been found by the either*
2 *the owner or operator of an electric transmission or*
3 *distribution facility, or the Secretary or the Secretary*
4 *of Agriculture, to be likely to fail and cause a high*
5 *risk of injury, damage, or disruption within 10 feet*
6 *of an electric power line or related structure if it fell.*

7 “(2) *OWNER OR OPERATOR.*—*The terms ‘owner’*
8 *and ‘operator’ include contractors or other agents en-*
9 *gaged by the owner or operator of an electric trans-*
10 *mission and distribution facility.*

11 “(3) *VEGETATION MANAGEMENT, FACILITY IN-*
12 *SPECTION, AND OPERATION AND MAINTENANCE*
13 *PLAN.*—*The term ‘vegetation management, facility in-*
14 *spection, and operation and maintenance plan’*
15 *means a plan that—*

16 “(A) *is prepared by the owner or operator*
17 *of one or more electric transmission or distribu-*
18 *tion facilities to cover one or more electric trans-*
19 *mission and distribution rights-of-way; and*

20 “(B) *provides for the long-term, cost-effec-*
21 *tive, efficient, and timely management of facili-*
22 *ties and vegetation within the width of the right-*
23 *of-way and adjacent Federal lands to enhance*
24 *electric reliability, promote public safety, and*
25 *avoid fire hazards.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
 2 *the Federal Land Policy and Management Act of 1976 (43*
 3 *U.S.C. 1761 et seq.), is amended by inserting after the item*
 4 *relating to section 511 the following new item:*

“Sec. 512. *Vegetation management, facility inspection, and operation and main-*
tenance relating to electric transmission and distribution facility
rights-of-way.”.

5 ***Subtitle B—Hydropower Regulatory***
 6 ***Modernization***

7 ***SEC. 1201. PROTECTION OF PRIVATE PROPERTY RIGHTS IN***
 8 ***HYDROPOWER LICENSING.***

9 (a) *LICENCES.*—*Section 4(e) of the Federal Power Act*
 10 *(16 U.S.C. 797(e)) is amended—*

11 (1) *by striking “and” after “recreational oppor-*
 12 *tunities,”; and*

13 (2) *by inserting “, and minimizing infringement*
 14 *on the useful exercise and enjoyment of property*
 15 *rights held by nonlicensees” after “aspects of environ-*
 16 *mental quality”.*

17 (b) *PRIVATE LANDOWNERSHIP.*—*Section 10 of the*
 18 *Federal Power Act (16 U.S.C. 803) is amended—*

19 (1) *in subsection (a)(1), by inserting “, includ-*
 20 *ing minimizing infringement on the useful exercise*
 21 *and enjoyment of property rights held by non-*
 22 *licensees” after “section 4(e)”;* and

23 (2) *by adding at the end the following:*

1 “(k) *PRIVATE LANDOWNERSHIP.*—*In developing any*
 2 *recreational resource within the project boundary, the li-*
 3 *cencee shall consider private landownership as a means to*
 4 *encourage and facilitate—*

5 “(1) *private investment; and*

6 “(2) *increased tourism and recreational use.*”.

7 **SEC. 1202. EXTENSION OF TIME FOR FERC PROJECT IN-**
 8 **VOLVING W. KERR SCOTT DAM.**

9 (a) *IN GENERAL.*—*Notwithstanding the time period*
 10 *specified in section 13 of the Federal Power Act (16 U.S.C.*
 11 *806) that would otherwise apply to the Federal Energy Reg-*
 12 *ulatory Commission project numbered 12642, the Commis-*
 13 *sion may, at the request of the licensee for the project, and*
 14 *after reasonable notice, in accordance with the good faith,*
 15 *due diligence, and public interest requirements of that sec-*
 16 *tion and the Commission’s procedures under that section,*
 17 *extend the time period during which the licensee is required*
 18 *to commence the construction of the project for up to 3 con-*
 19 *secutive 2-year periods from the date of the expiration of*
 20 *the extension originally issued by the Commission.*

21 (b) *REINSTATEMENT OF EXPIRED LICENSE.*—*If the*
 22 *period required for commencement of construction of the*
 23 *project described in subsection (a) has expired prior to the*
 24 *date of the enactment of this Act, the Commission may rein-*
 25 *state the license effective as of the date of its expiration and*

1 *the first extension authorized under subsection (a) shall take*
 2 *effect on the date of such expiration.*

3 **SEC. 1203. HYDROPOWER LICENSING AND PROCESS IM-**
 4 **PROVEMENTS.**

5 *Part I of the Federal Power Act (16 U.S.C. 792 et seq.)*
 6 *is amended by adding at the end the following:*

7 **“SEC. 34. HYDROPOWER LICENSING AND PROCESS IM-**
 8 **PROVEMENTS.**

9 *“(a) DEFINITION.—In this section, the term ‘Federal*
 10 *authorization’—*

11 *“(1) means any authorization required under*
 12 *Federal law with respect to an application for a li-*
 13 *cence, license amendment, or exemption under this*
 14 *part; and*

15 *“(2) includes any permits, special use authoriza-*
 16 *tions, certifications, opinions, or other approvals as*
 17 *may be required under Federal law to approve or im-*
 18 *plement the license, license amendment, or exemption*
 19 *under this part.*

20 *“(b) DESIGNATION AS LEAD AGENCY.—*

21 *“(1) IN GENERAL.—The Commission shall act as*
 22 *the lead agency for the purposes of coordinating all*
 23 *applicable Federal authorizations and for the pur-*
 24 *poses of complying with the National Environmental*
 25 *Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

1 “(2) *OTHER AGENCIES AND INDIAN TRIBES.*—

2 “(A) *IN GENERAL.*—*Each Federal, State,*
3 *and local government agency and Indian tribe*
4 *considering an aspect of an application for Fed-*
5 *eral authorization shall coordinate with the*
6 *Commission and comply with the deadline estab-*
7 *lished in the schedule developed for the project in*
8 *accordance with the rule issued by the Commis-*
9 *sion under subsection (c).*

10 “(B) *IDENTIFICATION.*—*The Commission*
11 *shall identify, as early as practicable after it is*
12 *notified by the applicant of a project or facility*
13 *requiring Commission action under this part,*
14 *any Federal or State agency, local government,*
15 *or Indian tribe that may consider an aspect of*
16 *an application for a Federal authorization.*

17 “(C) *NOTIFICATION.*—

18 “(i) *IN GENERAL.*—*The Commission*
19 *shall notify any agency and Indian tribe*
20 *identified under subparagraph (B) of the*
21 *opportunity to participate in the process of*
22 *reviewing an aspect of an application for a*
23 *Federal authorization.*

24 “(ii) *DEADLINE.*—*Each agency and*
25 *Indian tribe receiving a notice under clause*

1 *(i) shall submit a response acknowledging*
2 *receipt of the notice to the Commission*
3 *within 30 days of receipt of such notice and*
4 *request.*

5 “(D) *ISSUE IDENTIFICATION AND RESOLU-*
6 *TION.—*

7 “(i) *IDENTIFICATION OF ISSUES.—Fed-*
8 *eral, State, and local government agencies*
9 *and Indian tribes that may consider an as-*
10 *pect of an application for Federal author-*
11 *ization shall identify, as early as possible,*
12 *and share with the Commission and the ap-*
13 *plicant, any issues of concern identified*
14 *during the pendency of the Commission’s*
15 *action under this part relating to any Fed-*
16 *eral authorization that may delay or pre-*
17 *vent the granting of such authorization, in-*
18 *cluding any issues that may prevent the*
19 *agency or Indian tribe from meeting the*
20 *schedule established for the project in ac-*
21 *cordance with the rule issued by the Com-*
22 *mission under subsection (c).*

23 “(ii) *ISSUE RESOLUTION.—The Com-*
24 *mission may forward any issue of concern*
25 *identified under clause (i) to the heads of*

1 *the relevant State and Federal agencies (in-*
2 *cluding, in the case of scheduling concerns*
3 *identified by a State or local government*
4 *agency or Indian tribe, the Federal agency*
5 *overseeing the delegated authority, or the*
6 *Secretary of the Interior with regard to*
7 *scheduling concerns identified by an Indian*
8 *tribe) for resolution. The Commission and*
9 *any relevant agency shall enter into a*
10 *memorandum of understanding to facilitate*
11 *interagency coordination and resolution of*
12 *such issues of concern, as appropriate.*

13 “(c) *SCHEDULE.—*

14 “(1) *COMMISSION RULEMAKING TO ESTABLISH*
15 *PROCESS TO SET SCHEDULE.—Within 180 days of the*
16 *date of enactment of this section the Commission*
17 *shall, in consultation with the appropriate Federal*
18 *agencies, issue a rule, after providing for notice and*
19 *public comment, establishing a process for setting a*
20 *schedule following the filing of an application under*
21 *this part for the review and disposition of each Fed-*
22 *eral authorization.*

23 “(2) *ELEMENTS OF SCHEDULING RULE.—In*
24 *issuing a rule under this subsection, the Commission*

1 *shall ensure that the schedule for each Federal author-*
2 *ization—*

3 “(A) *includes deadlines for actions by—*

4 “(i) *any Federal or State agency, local*
5 *government, or Indian tribe that may con-*
6 *sider an aspect of an application for the*
7 *Federal authorization;*

8 “(ii) *the applicant;*

9 “(iii) *the Commission; and*

10 “(iv) *other participants in a pro-*
11 *ceeding;*

12 “(B) *is developed in consultation with the*
13 *applicant and any agency and Indian tribe that*
14 *submits a response under subsection*
15 *(b)(2)(C)(ii);*

16 “(C) *provides an opportunity for any Fed-*
17 *eral or State agency, local government, or Indian*
18 *tribe that may consider an aspect of an applica-*
19 *tion for the applicable Federal authorization to*
20 *identify and resolve issues of concern, as pro-*
21 *vided in subsection (b)(2)(D);*

22 “(D) *complies with applicable schedules es-*
23 *tablished under Federal and State law;*

1 “(E) ensures expeditious completion of all
2 proceedings required under Federal and State
3 law, to the extent practicable; and

4 “(F) facilitates completion of Federal and
5 State agency studies, reviews, and any other pro-
6 cedures required prior to, or concurrent with, the
7 preparation of the Commission’s environmental
8 document required under the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 *et*
10 *seq.*).

11 “(d) TRANSMISSION OF FINAL SCHEDULE.—

12 “(1) IN GENERAL.—For each application for a
13 license, license amendment, or exemption under this
14 part, the Commission shall establish a schedule in ac-
15 cordance with the rule issued by the Commission
16 under subsection (c). The Commission shall publicly
17 notice and transmit the final schedule to the appli-
18 cant and each agency and Indian tribe identified
19 under subsection (b)(2)(B).

20 “(2) RESPONSE.—Each agency and Indian tribe
21 receiving a schedule under this subsection shall ac-
22 knowledge receipt of such schedule in writing to the
23 Commission within 30 days.

24 “(e) ADHERENCE TO SCHEDULE.—All applicants,
25 other licensing participants, and agencies and tribes con-

1 *sidering an aspect of an application for a Federal author-*
2 *ization shall meet the deadlines set forth in the schedule*
3 *established pursuant to subsection (d)(1).*

4 “(f) *APPLICATION PROCESSING.*—*The Commission,*
5 *Federal, State, and local government agencies, and Indian*
6 *tribes may allow an applicant seeking a Federal authoriza-*
7 *tion to fund a third-party contractor selected by such agen-*
8 *cy or tribe to assist in reviewing the application. All costs*
9 *of an agency or tribe incurred pursuant to direct funding*
10 *by the applicant, including all costs associated with the*
11 *third party contractor, shall not be considered costs of the*
12 *United States for the administration of this part under sec-*
13 *tion 10(e).*

14 “(g) *COMMISSION RECOMMENDATION ON SCOPE OF*
15 *ENVIRONMENTAL REVIEW.*—*For the purposes of coordi-*
16 *nating Federal authorizations for each project, the Commis-*
17 *sion shall consult with and make a recommendation to*
18 *agencies and Indian tribes receiving a schedule under sub-*
19 *section (d) on the scope of the environmental review for all*
20 *Federal authorizations for such project. Each Federal and*
21 *State agency and Indian tribe shall give due consideration*
22 *and may give deference to the Commission’s recommenda-*
23 *tions, to the extent appropriate under Federal law.*

24 “(h) *FAILURE TO MEET SCHEDULE.*—*A Federal,*
25 *State, or local government agency or Indian tribe that an-*

1 *ticipates that it will be unable to complete its disposition*
 2 *of a Federal authorization by the deadline set forth in the*
 3 *schedule established under subsection (d)(1) may file for an*
 4 *extension as provided under section 313(b)(2).*

5 “(i) *CONSOLIDATED RECORD.*—*The Commission shall,*
 6 *with the cooperation of Federal, State, and local govern-*
 7 *ment agencies and Indian tribes, maintain a complete con-*
 8 *solidated record of all decisions made or actions taken by*
 9 *the Commission or by a Federal administrative agency or*
 10 *officer (or State or local government agency or officer or*
 11 *Indian tribe acting under delegated Federal authority) with*
 12 *respect to any Federal authorization. Such record shall con-*
 13 *stitute the record for judicial review under section 313(b).”.*

14 **SEC. 1204. JUDICIAL REVIEW OF DELAYED FEDERAL AU-**
 15 **THORIZATIONS.**

16 *Section 313(b) of the Federal Power Act (16 U.S.C.*
 17 *825l(b)) is amended—*

18 (1) *by striking “(b) Any party” and inserting*
 19 *the following:*

20 “(b) *JUDICIAL REVIEW.*—

21 “(1) *IN GENERAL.*—*Any party*”; and

22 (2) *by adding at the end the following:*

23 “(2) *DELAY OF A FEDERAL AUTHORIZATION.*—

24 *Any Federal, State, or local government agency or In-*
 25 *dian tribe that will not complete its disposition of a*

1 *Federal authorization by the deadline set forth in the*
2 *schedule by the Commission under section 34 may file*
3 *for an extension in the United States court of appeals*
4 *for any circuit wherein the project or proposed project*
5 *is located, or in the United States Court of Appeals*
6 *for the District of Columbia. Such petition shall be*
7 *filed not later than 30 days prior to such deadline.*
8 *The court shall only grant an extension if the agency*
9 *or tribe demonstrates, based on the record maintained*
10 *under section 34, that it otherwise complied with the*
11 *requirements of section 34 and that complying with*
12 *the schedule set by the Commission would have pre-*
13 *vented the agency or tribe from complying with ap-*
14 *plicable Federal or State law. If the court grants the*
15 *extension, the court shall set a reasonable schedule*
16 *and deadline, not to exceed 90 days, for the agency*
17 *to act on remand. If the court denies the extension,*
18 *or if an agency or tribe does not file for an extension*
19 *as provided in this subsection and does not complete*
20 *its disposition of a Federal authorization by the ap-*
21 *plicable deadline, the Commission and applicant may*
22 *move forward with the proposed action.”.*

1 **SEC. 1205. LICENSING STUDY IMPROVEMENTS.**

2 *Part I of the Federal Power Act (16 U.S.C. 792 et*
3 *seq.), as amended by section 1203, is further amended by*
4 *adding at the end the following:*

5 **“SEC. 35. LICENSING STUDY IMPROVEMENTS.**

6 *“(a) IN GENERAL.—To facilitate the timely and effi-*
7 *cient completion of the license proceedings under this part,*
8 *the Commission shall, in consultation with applicable Fed-*
9 *eral and State agencies and interested members of the pub-*
10 *lic—*

11 *“(1) compile current and accepted best practices*
12 *in performing studies required in such license pro-*
13 *ceedings, including methodologies and the design of*
14 *studies to assess the full range of environmental im-*
15 *pacts of a project that reflect the most recent peer-re-*
16 *viewed science;*

17 *“(2) compile a comprehensive collection of stud-*
18 *ies and data accessible to the public that could be*
19 *used to inform license proceedings under this part;*
20 *and*

21 *“(3) encourage license applicants, agencies, and*
22 *Indian tribes to develop and use, for the purpose of*
23 *fostering timely and efficient consideration of license*
24 *applications, a limited number of open-source meth-*
25 *odologies and tools applicable across a wide array of*

1 *projects, including water balance models and*
2 *streamflow analyses.*

3 “(b) *USE OF STUDIES.—To the extent practicable, the*
4 *Commission and other Federal, State, and local government*
5 *agencies and Indian tribes considering an aspect of an ap-*
6 *plication for Federal authorization shall use current, ac-*
7 *cepted science toward studies and data in support of their*
8 *actions. Any participant in a proceeding with respect to*
9 *a Federal authorization shall demonstrate a study requested*
10 *by the party is not duplicative of current, existing studies*
11 *that are applicable to the project.*

12 “(c) *BASIN-WIDE OR REGIONAL REVIEW.—The Com-*
13 *mission shall establish a program to develop comprehensive*
14 *plans, at the request of project applicants, on a regional*
15 *or basin-wide scale, in consultation with the applicants, ap-*
16 *propriate Federal agencies, and affected States, local gov-*
17 *ernments, and Indian tribes, in basins or regions with re-*
18 *spect to which there are more than one project or applica-*
19 *tion for a project. Upon such a request, the Commission,*
20 *in consultation with the applicants, such Federal agencies,*
21 *and affected States, local governments, and Indian tribes,*
22 *may conduct or commission regional or basin-wide environ-*
23 *mental studies, with the participation of at least 2 appli-*
24 *cants. Any study conducted under this subsection shall*

1 *apply only to a project with respect to which the applicant*
 2 *participates.”.*

3 **SEC. 1206. CLOSED-LOOP PUMPED STORAGE PROJECTS.**

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

7 **“SEC. 36. CLOSED-LOOP PUMPED STORAGE PROJECTS.**

8 *“(a) DEFINITION.—For purposes of this section, a*
 9 *closed-loop pumped storage project is a project—*

10 *“(1) in which the upper and lower reservoirs do*
 11 *not impound or directly withdraw water from navi-*
 12 *gable waters; or*

13 *“(2) that is not continuously connected to a nat-*
 14 *urally flowing water feature.*

15 *“(b) IN GENERAL.—As provided in this section, the*
 16 *Commission may issue and amend licenses and prelimi-*
 17 *nary permits, as appropriate, for closed-loop pumped stor-*
 18 *age projects.*

19 *“(c) DAM SAFETY.—Before issuing any license for a*
 20 *closed-loop pumped storage project, the Commission shall*
 21 *assess the safety of existing dams and other structures re-*
 22 *lated to the project (including possible consequences associ-*
 23 *ated with failure of such structures).*

24 *“(d) LICENSE CONDITIONS.—With respect to a closed-*
 25 *loop pumped storage project, the authority of the Commis-*

1 *sion to impose conditions on a license under sections 4(e),*
2 *10(a), 10(g), and 10(j) shall not apply, and any condition*
3 *included in or applicable to a closed-loop pumped storage*
4 *project licensed under this section, including any condition*
5 *or other requirement of a Federal authorization, shall be*
6 *limited to those that are—*

7 “(1) *necessary to protect public safety; or*

8 “(2) *reasonable, economically feasible, and essen-*
9 *tial to prevent loss of or damage to, or to mitigate ad-*
10 *verse effects on, fish and wildlife resources directly*
11 *caused by the construction and operation of the*
12 *project, as compared to the environmental baseline ex-*
13 *isting at the time the Commission completes its envi-*
14 *ronmental review.*

15 “(e) *TRANSFERS.—Notwithstanding section 5, and re-*
16 *gardless of whether the holder of a preliminary permit for*
17 *a closed-loop pumped storage project claimed municipal*
18 *preference under section 7(a) when obtaining the permit,*
19 *the Commission may, to facilitate development of a closed-*
20 *loop pumped storage project—*

21 “(1) *add entities as joint permittees following*
22 *issuance of a preliminary permit; and*

23 “(2) *transfer a license in part to one or more*
24 *nonmunicipal entities as co-licensees with a municipi-*
25 *pality.”.*

1 **SEC. 1207. LICENSE AMENDMENT IMPROVEMENTS.**

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

5 **“SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.**

6 *“(a) QUALIFYING PROJECT UPGRADES.—*

7 *“(1) IN GENERAL.—As provided in this section,*
8 *the Commission may approve an application for an*
9 *amendment to a license issued under this part for a*
10 *qualifying project upgrade.*

11 *“(2) APPLICATION.—A licensee filing an applica-*
12 *tion for an amendment to a project license under this*
13 *section shall include in such application information*
14 *sufficient to demonstrate that the proposed change to*
15 *the project described in the application is a quali-*
16 *fying project upgrade.*

17 *“(3) INITIAL DETERMINATION.—Not later than*
18 *15 days after receipt of an application under para-*
19 *graph (2), the Commission shall make an initial de-*
20 *termination as to whether the proposed change to the*
21 *project described in the application for a license*
22 *amendment is a qualifying project upgrade. The*
23 *Commission shall publish its initial determination*
24 *and issue notice of the application filed under para-*
25 *graph (2). Such notice shall solicit public comment on*
26 *the initial determination within 45 days.*

1 “(4) *PUBLIC COMMENT ON QUALIFYING CRI-*
2 *TERIA.—The Commission shall accept public com-*
3 *ment regarding whether a proposed license amend-*
4 *ment is for a qualifying project upgrade for a period*
5 *of 45 days beginning on the date of publication of a*
6 *public notice described in paragraph (3), and shall—*

7 “(A) *if no entity contests whether the pro-*
8 *posed license amendment is for a qualifying*
9 *project upgrade during such comment period,*
10 *immediately publish a notice stating that the*
11 *initial determination has not been contested; or*

12 “(B) *if an entity contests whether the pro-*
13 *posed license amendment is for a qualifying*
14 *project upgrade during the comment period,*
15 *issue a written determination in accordance*
16 *with paragraph (5).*

17 “(5) *WRITTEN DETERMINATION.—If an entity*
18 *contests whether the proposed license amendment is*
19 *for a qualifying project upgrade during the comment*
20 *period under paragraph (4), the Commission shall,*
21 *not later than 30 days after the date of publication*
22 *of the public notice of the initial determination under*
23 *paragraph (3), issue a written determination as to*
24 *whether the proposed license amendment is for a*
25 *qualifying project upgrade.*

1 “(6) *PUBLIC COMMENT ON AMENDMENT APPLICA-*
2 *TION.—If no entity contests whether the proposed li-*
3 *cence amendment is for a qualifying project upgrade*
4 *during the comment period under paragraph (4) or*
5 *the Commission issues a written determination under*
6 *paragraph (5) that a proposed license amendment is*
7 *a qualifying project upgrade, the Commission shall—*

8 “(A) *during the 60-day period beginning on*
9 *the date of publication of a notice under para-*
10 *graph (4)(A) or the date on which the Commis-*
11 *sion issues the written determination under*
12 *paragraph (5), as applicable, solicit comments*
13 *from each Federal, State, and local government*
14 *agency and Indian tribe considering an aspect of*
15 *an application for Federal authorization (as de-*
16 *fined in section 34) with respect to the proposed*
17 *license amendment, as well as other interested*
18 *agencies, Indian tribes, and members of the pub-*
19 *lic; and*

20 “(B) *during the 90-day period beginning on*
21 *the date of publication of a notice under para-*
22 *graph (4)(A) or the date on which the Commis-*
23 *sion issues the written determination under*
24 *paragraph (5), as applicable, consult with—*

1 “(i) appropriate Federal agencies and
2 the State agency exercising administrative
3 control over the fish and wildlife resources,
4 and water quality and supply, of the State
5 in which the qualifying project upgrade is
6 located;

7 “(ii) any Federal department super-
8 vising any public lands or reservations oc-
9 cupied by the qualifying project upgrade;
10 and

11 “(iii) any Indian tribe affected by the
12 qualifying project upgrade.

13 “(7) FEDERAL AUTHORIZATIONS.—The schedule
14 established by the Commission under section 34 for
15 any project upgrade under this subsection shall re-
16 quire final disposition on all necessary Federal au-
17 thorizations (as defined in section 34), other than
18 final action by the Commission, by not later than 120
19 days after the date on which the Commission issues
20 a notice under paragraph (4)(A) or a written deter-
21 mination under paragraph (5), as applicable.

22 “(8) COMMISSION ACTION.—Not later than 150
23 days after the date on which the Commission issues
24 a notice under paragraph (4)(A) or a written deter-
25 mination under paragraph (5), as applicable, the

1 *Commission shall take final action on the license*
2 *amendment application.*

3 “(9) *LICENSE AMENDMENT CONDITIONS.—Any*
4 *condition included in or applicable to a license*
5 *amendment approved under this subsection, including*
6 *any condition or other requirement of a Federal au-*
7 *thorization, shall be limited to those that are—*

8 “(A) *necessary to protect public safety; or*

9 “(B) *reasonable, economically feasible, and*
10 *essential to prevent loss of or damage to, or to*
11 *mitigate adverse effects on, fish and wildlife re-*
12 *sources, water supply, and water quality that*
13 *are directly caused by the construction and oper-*
14 *ation of the qualifying project upgrade, as com-*
15 *pared to the environmental baseline existing at*
16 *the time the Commission approves the applica-*
17 *tion for the license amendment.*

18 “(10) *PROPOSED LICENSE AMENDMENTS THAT*
19 *ARE NOT QUALIFYING PROJECT UPGRADES.—If the*
20 *Commission determines under paragraph (3) or (5)*
21 *that a proposed license amendment is not for a quali-*
22 *fying project upgrade, the procedures under para-*
23 *graphs (6) through (9) shall not apply to the applica-*
24 *tion.*

1 “(11) *RULEMAKING.*—Not later than 180 days
2 after the date of enactment of this section, the Com-
3 mission shall, after notice and opportunity for public
4 comment, issue a rule to implement this subsection.

5 “(12) *DEFINITIONS.*—For purposes of this sub-
6 section:

7 “(A) *QUALIFYING PROJECT UPGRADE.*—The
8 term ‘qualifying project upgrade’ means a
9 change to a project licensed under this part that
10 meets the qualifying criteria, as determined by
11 the Commission.

12 “(B) *QUALIFYING CRITERIA.*—The term
13 ‘qualifying criteria’ means, with respect to a
14 project license under this part, a change to the
15 project that—

16 “(i) if carried out, would be unlikely to
17 adversely affect any species listed as threat-
18 ened or endangered under the Endangered
19 Species Act of 1973 or result in the destruc-
20 tion or adverse modification of critical
21 habitat, as determined in consultation with
22 the Secretary of the Interior or Secretary of
23 Commerce, as appropriate, in accordance
24 with section 7 of the Endangered Species
25 Act of 1973;

1 “(ii) is consistent with any applicable
2 comprehensive plan under section 10(a)(2);

3 “(iii) includes only changes to project
4 lands, waters, or operations that, in the
5 judgment of the Commission, would result
6 in only insignificant or minimal cumu-
7 lative adverse environmental effects;

8 “(iv) would be unlikely to adversely af-
9 fect water quality and water supply; and

10 “(v) proposes to implement—

11 “(I) capacity increases, efficiency
12 improvements, or other enhancements
13 to hydropower generation at the li-
14 censed project;

15 “(II) environmental protection,
16 mitigation, or enhancement measures
17 to benefit fish and wildlife resources or
18 other natural and cultural resources;
19 or

20 “(III) improvements to public
21 recreation at the licensed project.

22 “(b) AMENDMENT APPROVAL PROCESSES.—

23 “(1) RULE.—Not later than 1 year after the date
24 of enactment of this section, the Commission shall,
25 after notice and opportunity for public comment,

1 *issue a rule establishing new standards and proce-*
2 *dures for license amendment applications under this*
3 *part. In issuing such rule, the Commission shall seek*
4 *to develop the most efficient and expedient process,*
5 *consultation, and review requirements, commensurate*
6 *with the scope of different categories of proposed li-*
7 *cence amendments. Such rule shall account for dif-*
8 *ferences in environmental effects across a wide range*
9 *of categories of license amendment applications.*

10 *“(2) CAPACITY.—In issuing a rule under this*
11 *subsection, the Commission shall take into consider-*
12 *ation that a change in generating or hydraulic capac-*
13 *ity may indicate the potential environmental effects*
14 *of a proposed amendment but is not determinative of*
15 *such effects.*

16 *“(3) PROCESS OPTIONS.—In issuing a rule*
17 *under this subsection, the Commission shall take into*
18 *consideration the range of process options available*
19 *under the Commission’s regulations for new and*
20 *original license applications and adapt such options*
21 *to amendment applications, where appropriate.”.*

1 **SEC. 1208. PROMOTING HYDROPOWER DEVELOPMENT AT**
 2 **EXISTING NONPOWERED DAMS.**

3 *Part I of the Federal Power Act (16 U.S.C. 792 et*
 4 *seq.), as amended by section 1207, is further amended by*
 5 *adding at the end the following:*

6 **“SEC. 38. PROMOTING HYDROPOWER DEVELOPMENT AT EX-**
 7 **ISTING NONPOWERED DAMS.**

8 *“(a) EXEMPTIONS FOR QUALIFYING FACILITIES.—*

9 *“(1) EXEMPTION QUALIFICATIONS.—Subject to*
 10 *the requirements of this subsection, the Commission*
 11 *may grant an exemption in whole or in part from the*
 12 *requirements of this part, including any license re-*
 13 *quirements contained in this part, to any facility the*
 14 *Commission determines is a qualifying facility.*

15 *“(2) CONSULTATION WITH FEDERAL AND STATE*
 16 *AGENCIES.—In granting any exemption under this*
 17 *subsection, the Commission shall consult with—*

18 *“(A) the United States Fish and Wildlife*
 19 *Service, the National Marine Fisheries Service,*
 20 *and the State agency exercising administrative*
 21 *control over the fish and wildlife resources of the*
 22 *State in which the facility will be located, in the*
 23 *manner provided by the Fish and Wildlife Co-*
 24 *ordination Act;*

1 “(B) any Federal department supervising
2 any public lands or reservations occupied by the
3 project; and

4 “(C) any Indian tribe affected by the
5 project.

6 “(3) EXEMPTION CONDITIONS.—

7 “(A) IN GENERAL.—The Commission shall
8 include in any exemption granted under this
9 subsection only such terms and conditions that
10 the Commission determines are—

11 “(i) necessary to protect public safety;

12 or

13 “(ii) reasonable, economically feasible,
14 and essential to prevent loss of or damage
15 to, or to mitigate adverse effects on, fish and
16 wildlife resources directly caused by the con-
17 struction and operation of the qualifying fa-
18 cility, as compared to the environmental
19 baseline existing at the time the Commis-
20 sion grants the exemption.

21 “(B) NO CHANGES TO RELEASE REGIME.—

22 No Federal authorization required with respect
23 to a qualifying facility described in paragraph
24 (1), including an exemption granted by the Com-
25 mission under this subsection, may include any

1 *condition or other requirement that results in*
2 *any material change to the storage, control,*
3 *withdrawal, diversion, release, or flow operations*
4 *of the associated qualifying nonpowered dam.*

5 “(4) *ENVIRONMENTAL REVIEW.*—*The Commis-*
6 *sion’s environmental review under the National Envi-*
7 *ronmental Policy Act of 1969 of a proposed exemp-*
8 *tion under this subsection shall consist only of an en-*
9 *vironmental assessment, unless the Commission deter-*
10 *mines, by rule or order, that the Commission’s obliga-*
11 *tions under such Act for granting exemptions under*
12 *this subsection can be met through a categorical exclu-*
13 *sion.*

14 “(5) *VIOLATION OF TERMS OF EXEMPTION.*—*Any*
15 *violation of a term or condition of any exemption*
16 *granted under this subsection shall be treated as a*
17 *violation of a rule or order of the Commission under*
18 *this Act.*

19 “(6) *ANNUAL CHARGES FOR ENHANCEMENT AC-*
20 *TIVITIES.*—*Exemptees under this subsection for any*
21 *facility located at a non-Federal dam shall pay to the*
22 *United States reasonable annual charges in an*
23 *amount to be fixed by the Commission for the purpose*
24 *of funding environmental enhancement projects in*
25 *watersheds in which facilities exempted under this*

1 subsection are located. Such annual charges shall be
2 equivalent to the annual charges for use of a Govern-
3 ment dam under section 10(e), unless the Commission
4 determines, by rule, that a lower charge is appro-
5 priate to protect exemptees' investment in the project
6 or avoid increasing the price to consumers of power
7 due to such charges. The proceeds of charges made by
8 the Commission under this paragraph shall be paid
9 into the Treasury of the United States and credited
10 to miscellaneous receipts. Subject to annual appro-
11 priation Acts, such proceeds shall be available to Fed-
12 eral and State fish and wildlife agencies for purposes
13 of carrying out specific environmental enhancement
14 projects in watersheds in which one or more facilities
15 exempted under this subsection are located. Not later
16 than 180 days after the date of enactment of this sec-
17 tion, the Commission shall establish rules, after notice
18 and opportunity for public comment, for the collection
19 and administration of annual charges under this
20 paragraph.

21 “(7) *EFFECT OF JURISDICTION.*—The jurisdic-
22 tion of the Commission over any qualifying facility
23 exempted under this subsection shall extend only to
24 the qualifying facility exempted and any associated
25 primary transmission line, and shall not extend to

1 *any conduit, dam, impoundment, shoreline or other*
2 *land, or any other project work associated with the*
3 *qualifying facility exempted under this subsection.*

4 “(b) *DEFINITIONS.—For purposes of this section—*

5 “(1) *FEDERAL AUTHORIZATION.—The term ‘Fed-*
6 *eral authorization’ has the same meaning as provided*
7 *in section 34.*

8 “(2) *QUALIFYING CRITERIA.—The term ‘quali-*
9 *fying criteria’ means, with respect to a facility—*

10 “(A) *as of the date of enactment of this sec-*
11 *tion, the facility is not licensed under, or ex-*
12 *empted from the license requirements contained*
13 *in, this part;*

14 “(B) *the facility will be associated with a*
15 *qualifying nonpowered dam;*

16 “(C) *the facility will be constructed, oper-*
17 *ated, and maintained for the generation of elec-*
18 *tric power;*

19 “(D) *the facility will use for such genera-*
20 *tion any withdrawals, diversions, releases, or*
21 *flows from the associated qualifying nonpowered*
22 *dam, including its associated impoundment or*
23 *other infrastructure; and*

24 “(E) *the operation of the facility will not*
25 *result in any material change to the storage, con-*

1 *trol, withdrawal, diversion, release, or flow oper-*
2 *ations of the associated qualifying nonpowered*
3 *dam.*

4 “(3) *QUALIFYING FACILITY.*—*The term ‘quali-*
5 *fying facility’ means a facility that is determined*
6 *under this section to meet the qualifying criteria.*

7 “(4) *QUALIFYING NONPOWERED DAM.*—*The term*
8 *‘qualifying nonpowered dam’ means any dam, dike,*
9 *embankment, or other barrier—*

10 “(A) *the construction of which was com-*
11 *pleted on or before the date of enactment of this*
12 *section;*

13 “(B) *that is operated for the control, release,*
14 *or distribution of water for agricultural, munic-*
15 *ipal, navigational, industrial, commercial, envi-*
16 *ronmental, recreational, aesthetic, or flood con-*
17 *trol purposes;*

18 “(C) *that, as of the date of enactment of this*
19 *section, is not equipped with hydropower gener-*
20 *ating works that are licensed under, or exempted*
21 *from the license requirements contained in, this*
22 *part; and*

23 “(D) *that, in the case of a non-Federal*
24 *dam, has been certified by an independent con-*
25 *sultant approved by the Commission as com-*

1 *plying with the Commission’s dam safety re-*
2 *quirements.”.*

3 **TITLE II—ENERGY SECURITY**
4 **AND DIPLOMACY**

5 **SEC. 2001. SENSE OF CONGRESS.**

6 *Congress finds the following:*

7 (1) *North America’s energy revolution has sig-*
8 *nificantly enhanced energy security in the United*
9 *States, and fundamentally changed the Nation’s en-*
10 *ergy future from that of scarcity to abundance.*

11 (2) *North America’s energy abundance has in-*
12 *creased global energy supplies and reduced the price*
13 *of energy for consumers in the United States and*
14 *abroad.*

15 (3) *Allies and trading partners of the United*
16 *States, including in Europe and Asia, are seeking*
17 *stable and affordable energy supplies from North*
18 *America to enhance their energy security.*

19 (4) *The United States has an opportunity to im-*
20 *prove its energy security and promote greater sta-*
21 *bility and affordability of energy supplies for its al-*
22 *lies and trading partners through a more integrated,*
23 *secure, and competitive North American energy sys-*
24 *tem.*

1 (5) *The United States also has an opportunity*
2 *to promote such objectives by supporting the free flow*
3 *of energy commodities and more open, transparent,*
4 *and competitive global energy markets, and through*
5 *greater Federal agency coordination relating to regu-*
6 *lations or agency actions that significantly affect the*
7 *supply, distribution, or use of energy.*

8 **SEC. 2002. ENERGY SECURITY VALUATION.**

9 (a) *ESTABLISHMENT OF ENERGY SECURITY VALU-*
10 *ATION METHODS.*—*Not later than 1 year after the date of*
11 *enactment of this Act, the Secretary of Energy, in collabora-*
12 *tion with the Secretary of State, shall develop and transmit,*
13 *after public notice and comment, to the Committee on En-*
14 *ergy and Commerce, the Committee on Science, Space, and*
15 *Technology, and the Committee on Foreign Affairs of the*
16 *House of Representatives and the Committee on Energy and*
17 *Natural Resources, the Committee on Commerce, Science,*
18 *and Transportation, and the Committee on Foreign Rela-*
19 *tions of the Senate a report that develops recommended*
20 *United States energy security valuation methods. In devel-*
21 *oping the report, the Secretaries may consider the rec-*
22 *ommendations of the Administration’s Quadrennial Energy*
23 *Review released on April 21, 2015. The report shall—*

24 (1) *evaluate and define United States energy se-*
25 *curity to reflect modern domestic and global energy*

1 *markets and the collective needs of the United States*
2 *and its allies and partners;*

3 *(2) identify transparent and uniform or coordi-*
4 *nated procedures and criteria to ensure that energy-*
5 *related actions that significantly affect the supply,*
6 *distribution, transportation, or use of energy are eval-*
7 *uated with respect to their potential impact on energy*
8 *security, including their impact on—*

9 *(A) consumers and the economy;*

10 *(B) energy supply diversity and resiliency;*

11 *(C) well-functioning and competitive energy*
12 *markets;*

13 *(D) United States trade balance; and*

14 *(E) national security objectives; and*

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

19 *(A) evaluated consistently across the Fed-*
20 *eral Government; and*

21 *(B) weighed appropriately and balanced*
22 *with environmental considerations required by*
23 *Federal law.*

24 *(b) PARTICIPATION.—In developing the report referred*
25 *to in subsection (a), the Secretaries may consult with rel-*

1 *evant Federal, State, private sector, and international par-*
2 *ticipants, as appropriate and consistent with applicable*
3 *law.*

4 **SEC. 2003. NORTH AMERICAN ENERGY SECURITY PLAN.**

5 (a) *REQUIREMENT.*—*Not later than 1 year after the*
6 *date of enactment of this Act, the Secretary of Energy, in*
7 *collaboration with the Secretary of State, shall develop and*
8 *transmit to the Committee on Energy and Commerce and*
9 *the Committee on Foreign Affairs of the House of Represent-*
10 *atives and the Committee on Energy and Natural Resources*
11 *and the Committee on Foreign Relations of the Senate the*
12 *plan described in subsection (b).*

13 (b) *PURPOSE.*—*The plan referred to in subsection (a)*
14 *shall include—*

15 (1) *a recommended framework and implementa-*
16 *tion strategy to—*

17 (A) *improve planning and coordination*
18 *with Canada and Mexico to enhance energy inte-*
19 *gration, strengthen North American energy secu-*
20 *rity, and promote efficiencies in the exploration,*
21 *production, storage, supply, distribution, mar-*
22 *keting, pricing, and regulation of North Amer-*
23 *ican energy resources; and*

24 (B) *address—*

1 (i) *North American energy public data,*
2 *statistics, and mapping collaboration;*

3 (ii) *responsible and sustainable best*
4 *practices for the development of unconven-*
5 *tional oil and natural gas; and*

6 (iii) *modern, resilient energy infra-*
7 *structure for North America, including*
8 *physical infrastructure as well as institu-*
9 *tional infrastructure such as policies, regu-*
10 *lations, and practices relating to energy de-*
11 *velopment; and*

12 (2) *a recommended framework and implementa-*
13 *tion strategy to improve collaboration with Caribbean*
14 *and Central American partners on energy security,*
15 *including actions to support—*

16 (A) *more open, transparent, and competi-*
17 *tive energy markets;*

18 (B) *regulatory capacity building;*

19 (C) *improvements to energy transmission*
20 *and storage; and*

21 (D) *improvements to the performance of en-*
22 *ergy infrastructure and efficiency.*

23 (c) *PARTICIPATION.—In developing the plan referred*
24 *to in subsection (a), the Secretaries may consult with other*

1 *Federal, State, private sector, and international partici-*
2 *pants, as appropriate and consistent with applicable law.*

3 **SEC. 2004. COLLECTIVE ENERGY SECURITY.**

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

9 (1) *energy diplomacy;*

10 (2) *the delivery of United States assistance, in-*
11 *cluding energy resources and technologies, to prevent*
12 *or mitigate an energy security crisis;*

13 (3) *the development of environmentally and com-*
14 *mercially sustainable energy resources;*

15 (4) *open, transparent, and competitive energy*
16 *markets; and*

17 (5) *regulatory capacity building.*

18 (b) *ENERGY SECURITY FORUMS.*—*Not later than 1*
19 *year after the date of enactment of this Act, the Secretary*
20 *of Energy, in collaboration with the Secretary of State,*
21 *shall convene not less than 2 forums to promote the collec-*
22 *tive energy security of the United States and its allies and*
23 *trading partners. The forums shall include participation by*
24 *the Secretary of Energy and the Secretary of State. In addi-*
25 *tion, an invitation shall be extended to—*

1 (1) *appropriate representatives of foreign govern-*
2 *ments that are allies or trading partners of the*
3 *United States; and*

4 (2) *independent experts and industry representa-*
5 *tives.*

6 (c) *REQUIREMENTS.—The forums shall—*

7 (1) *consist of at least 1 Trans-Atlantic and 1*
8 *Trans-Pacific energy security forum;*

9 (2) *be designed to foster dialogue among govern-*
10 *ment officials, independent experts, and industry rep-*
11 *resentatives regarding—*

12 (A) *the current state of global energy mar-*
13 *kets;*

14 (B) *trade and investment issues relevant to*
15 *energy; and*

16 (C) *barriers to more open, competitive, and*
17 *transparent energy markets; and*

18 (3) *be recorded and made publicly available on*
19 *the Department of Energy’s website, including, not*
20 *later than 30 days after each forum, publication on*
21 *the website any significant outcomes.*

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

1 (1) *the chair and the ranking minority member*
2 *of the Committee on Energy and Commerce and the*
3 *Committee on Foreign Affairs of the House of Rep-*
4 *resentatives; and*

5 (2) *the chair and ranking minority member of*
6 *the Committee on Energy and Natural Resources and*
7 *the Committee on Foreign Relations of the Senate.*

8 **SEC. 2005. AUTHORIZATION TO EXPORT NATURAL GAS.**

9 (a) *DECISION DEADLINE.*—*For proposals that must*
10 *also obtain authorization from the Federal Energy Regu-*
11 *latory Commission or the United States Maritime Adminis-*
12 *tration to site, construct, expand, or operate LNG export*
13 *facilities, the Department of Energy shall issue a final deci-*
14 *sion on any application for the authorization to export nat-*
15 *ural gas under section 3 of the Natural Gas Act (15 U.S.C.*
16 *717b) not later than 30 days after the later of—*

17 (1) *the conclusion of the review to site, construct,*
18 *expand, or operate the LNG facilities required by the*
19 *National Environmental Policy Act of 1969 (42*
20 *U.S.C. 4321 et seq.); or*

21 (2) *the date of enactment of this Act.*

22 (b) *CONCLUSION OF REVIEW.*—*For purposes of sub-*
23 *section (a), review required by the National Environmental*
24 *Policy Act of 1969 shall be considered concluded—*

1 (1) for a project requiring an Environmental
2 Impact Statement, 30 days after publication of a
3 Final Environmental Impact Statement;

4 (2) for a project for which an Environmental As-
5 sessment has been prepared, 30 days after publication
6 by the Department of Energy of a Finding of No Sig-
7 nificant Impact; and

8 (3) upon a determination by the lead agency
9 that an application is eligible for a categorical exclu-
10 sion pursuant to National Environmental Policy Act
11 of 1969 implementing regulations.

12 (c) *PUBLIC DISCLOSURE OF EXPORT DESTINA-*
13 *TIONS.—Section 3 of the Natural Gas Act (15 U.S.C. 717b)*
14 *is amended by adding at the end the following:*

15 “(g) *PUBLIC DISCLOSURE OF LNG EXPORT DESTINA-*
16 *TIONS.—As a condition for approval of any authorization*
17 *to export LNG, the Secretary of Energy shall require the*
18 *applicant to publicly disclose the specific destination or des-*
19 *tinations of any such authorized LNG exports.”.*

20 **SEC. 2006. ENVIRONMENTAL REVIEW FOR ENERGY EXPORT**
21 **FACILITIES.**

22 *Notwithstanding any other provision of law, including*
23 *any other provision of this Act and any amendment made*
24 *by this Act, to the extent that the National Environmental*
25 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the*

1 *issuance of a permit for the construction, operation, or*
2 *maintenance of a facility for the export of bulk commodities,*
3 *no such permit may be denied until each applicable Federal*
4 *agency has completed all reviews required for the facility*
5 *under such Act.*

6 **SEC. 2007. AUTHORIZATION OF CROSS-BORDER INFRA-**
7 **STRUCTURE PROJECTS.**

8 *(a) FINDING.—Congress finds that the United States*
9 *should establish a more uniform, transparent, and modern*
10 *process for the construction, connection, operation, and*
11 *maintenance of pipelines and electric transmission facili-*
12 *ties for the import and export of liquid products, including*
13 *water and petroleum, and natural gas and the transmission*
14 *of electricity to and from Canada and Mexico.*

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

18 *(1) REQUIREMENT.—No person may construct,*
19 *connect, operate, or maintain a cross-border segment*
20 *of a pipeline or electric transmission facility for the*
21 *import or export of liquid products or natural gas, or*
22 *the transmission of electricity, to or from Canada or*
23 *Mexico without obtaining a certificate of crossing for*
24 *such construction, connection, operation, or mainte-*
25 *nance under this subsection.*

1 (2) *CERTIFICATE OF CROSSING.*—

2 (A) *ISSUANCE.*—

3 (i) *IN GENERAL.*—*Not later than 120*
4 *days after final action is taken under the*
5 *National Environmental Policy Act of 1969*
6 *(42 U.S.C. 4321 et seq.) with respect to a*
7 *cross-border segment described in paragraph*
8 *(1), the relevant official identified under*
9 *subparagraph (B), in consultation with ap-*
10 *propriate Federal agencies, shall issue a*
11 *certificate of crossing for the cross-border*
12 *segment unless the relevant official finds*
13 *that the construction, connection, operation,*
14 *or maintenance of the cross-border segment*
15 *is not in the public interest of the United*
16 *States.*

17 (ii) *NATURAL GAS.*—*For the purposes*
18 *of natural gas pipelines, a finding with re-*
19 *spect to the public interest under section*
20 *3(a) of the Natural Gas Act (15 U.S.C.*
21 *717b(a)) shall serve as a finding under*
22 *clause (i) of this subparagraph.*

23 (B) *RELEVANT OFFICIAL.*—*The relevant of-*
24 *ficial referred to in subparagraph (A) is—*

1 (i) the Secretary of State with respect
2 to liquid pipelines;

3 (ii) the Federal Energy Regulatory
4 Commission with respect to natural gas
5 pipelines; and

6 (iii) the Secretary of Energy with re-
7 spect to electric transmission facilities.

8 (C) *ADDITIONAL REQUIREMENT FOR ELEC-*
9 *TRIC TRANSMISSION FACILITIES.*—The Secretary
10 of Energy shall require, as a condition of issuing
11 a certificate of crossing for an electric trans-
12 mission facility, that the cross-border segment be
13 constructed, connected, operated, or maintained
14 consistent with all applicable policies and stand-
15 ards of—

16 (i) the Electric Reliability Organiza-
17 tion and the applicable regional entity; and

18 (ii) any Regional Transmission Orga-
19 nization or Independent System Operator
20 with operational or functional control over
21 the cross-border segment of the electric
22 transmission facility.

23 (3) *MODIFICATIONS TO EXISTING PROJECTS.*—No
24 certificate of crossing shall be required under this sub-
25 section for a change in ownership, volume expansion,

1 *downstream or upstream interconnection, or adjust-*
2 *ment to maintain flow (such as a reduction or in-*
3 *crease in the number of pump or compressor stations)*
4 *with respect to a liquid or natural gas pipeline or*
5 *electric transmission facility unless such modification*
6 *would result in a significant impact at the national*
7 *boundary.*

8 (4) *EFFECT OF OTHER LAWS.*—*Nothing in this*
9 *subsection shall affect the application of any other*
10 *Federal statute (including the Natural Gas Act and*
11 *the Energy Policy and Conservation Act) to a project*
12 *for which a certificate of crossing is sought under this*
13 *subsection.*

14 (c) *IMPORTATION OR EXPORTATION OF NATURAL GAS*
15 *TO CANADA AND MEXICO.*—*Section 3(c) of the Natural Gas*
16 *Act (15 U.S.C. 717b(c)) is amended by adding at the end*
17 *the following: “In the case of an application for the impor-*
18 *tation or exportation of natural gas to or from Canada or*
19 *Mexico, the Commission shall grant the application not*
20 *later than 30 days after the date of receipt of the complete*
21 *application.”.*

22 (d) *TRANSMISSION OF ELECTRIC ENERGY TO CANADA*
23 *AND MEXICO.*—

1 (1) *REPEAL OF REQUIREMENT TO SECURE*
2 *ORDER.*—Section 202(e) of the Federal Power Act (16
3 U.S.C. 824a(e)) is repealed.

4 (2) *CONFORMING AMENDMENTS.*—

5 (A) *STATE REGULATIONS.*—Section 202(f)
6 of the Federal Power Act (16 U.S.C. 824a(f)) is
7 amended by striking “insofar as such State regu-
8 lation does not conflict with the exercise of the
9 Commission’s powers under or relating to sub-
10 section 202(e)”.

11 (B) *SEASONAL DIVERSITY ELECTRICITY EX-*
12 *CHANGE.*—Section 602(b) of the Public Utility
13 Regulatory Policies Act of 1978 (16 U.S.C.
14 824a–4(b)) is amended by striking “the Commis-
15 sion has conducted hearings and made the find-
16 ings required under section 202(e) of the Federal
17 Power Act” and all that follows through the pe-
18 riod at the end and inserting “the Secretary has
19 conducted hearings and finds that the proposed
20 transmission facilities would not impair the suf-
21 ficiency of electric supply within the United
22 States or would not impede or tend to impede
23 the coordination in the public interest of facili-
24 ties subject to the jurisdiction of the Secretary”.

25 (e) *EFFECTIVE DATE; RULEMAKING DEADLINES.*—

1 (1) *EFFECTIVE DATE.*—Subsections (b) through
2 (d), and the amendments made by such subsections,
3 shall take effect on January 20, 2017.

4 (2) *RULEMAKING DEADLINES.*—Each relevant of-
5 ficial described in subsection (b)(2)(B) shall—

6 (A) not later than 180 days after the date
7 of enactment of this Act, publish in the Federal
8 Register notice of a proposed rulemaking to
9 carry out the applicable requirements of sub-
10 section (b); and

11 (B) not later than 1 year after the date of
12 enactment of this Act, publish in the Federal
13 Register a final rule to carry out the applicable
14 requirements of subsection (b).

15 (f) *DEFINITIONS.*—In this section—

16 (1) the term “cross-border segment” means the
17 portion of a liquid or natural gas pipeline or electric
18 transmission facility that is located at the national
19 boundary of the United States with either Canada or
20 Mexico;

21 (2) the terms “Electric Reliability Organization”
22 and “regional entity” have the meanings given those
23 terms in section 215 of the Federal Power Act (16
24 U.S.C. 8240);

1 (3) the terms “Independent System Operator”
2 and “Regional Transmission Organization” have the
3 meanings given those terms in section 3 of the Federal
4 Power Act (16 U.S.C. 796);

5 (4) the term “liquid” includes water, petroleum,
6 petroleum product, and any other substance that flows
7 through a pipeline other than natural gas; and

8 (5) the term “natural gas” has the meaning
9 given that term in section 2 of the Natural Gas Act
10 (15 U.S.C. 717a).

11 **SEC. 2008. REPORT ON SMART METER SECURITY CON-**
12 **CERNS.**

13 Not later than 1 year after the date of enactment of
14 this Act, the Secretary of Energy shall transmit to Congress
15 a report on the weaknesses in currently available smart me-
16 ters’ security architecture and features, including an ab-
17 sence of event logging, as described in the Government Ac-
18 countability Office testimony entitled “Critical Infrastruc-
19 ture Protection: Cybersecurity of the Nation’s Electricity
20 Grid Requires Continued Attention” on October 21, 2015.

1 **TITLE III—ENERGY EFFICIENCY**
2 **AND ACCOUNTABILITY**

3 **Subtitle A—Energy Efficiency**

4 **CHAPTER 1—FEDERAL AGENCY ENERGY**
5 **EFFICIENCY**

6 **SEC. 3111. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**
7 **MATION TECHNOLOGIES.**

8 (a) *AMENDMENT.*—Subtitle C of title V of the Energy
9 Independence and Security Act of 2007 (Public Law 110–
10 140; 121 Stat. 1661) is amended by adding at the end the
11 following:

12 **“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**
13 **MATION TECHNOLOGIES.**

14 “(a) *DEFINITIONS.*—In this section:

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

17 “(2) *INFORMATION TECHNOLOGY.*—The term ‘in-
18 formation technology’ has the meaning given that
19 term in section 11101 of title 40, United States Code.

20 “(b) *DEVELOPMENT OF IMPLEMENTATION STRAT-*
21 *EGY.*—Not later than 1 year after the date of enactment
22 of this section, each Federal agency shall coordinate with
23 the Director, the Secretary, and the Administrator of the
24 Environmental Protection Agency to develop an implemen-
25 tation strategy (that includes best practices and measure-

1 *ment and verification techniques) for the maintenance, pur-*
2 *chase, and use by the Federal agency of energy-efficient and*
3 *energy-saving information technologies, taking into consid-*
4 *eration the performance goals established under subsection*
5 *(d).*

6 “(c) *ADMINISTRATION.*—*In developing an implementa-*
7 *tion strategy under subsection (b), each Federal agency*
8 *shall consider—*

9 “(1) *advanced metering infrastructure;*

10 “(2) *energy-efficient data center strategies and*
11 *methods of increasing asset and infrastructure utili-*
12 *zation;*

13 “(3) *advanced power management tools;*

14 “(4) *building information modeling, including*
15 *building energy management;*

16 “(5) *secure telework and travel substitution tools;*
17 *and*

18 “(6) *mechanisms to ensure that the agency real-*
19 *izes the energy cost savings brought about through in-*
20 *creased efficiency and utilization.*

21 “(d) *PERFORMANCE GOALS.*—

22 “(1) *IN GENERAL.*—*Not later than 180 days*
23 *after the date of enactment of this section, the Direc-*
24 *tor, in consultation with the Secretary, shall establish*
25 *performance goals for evaluating the efforts of Federal*

1 agencies in improving the maintenance, purchase,
2 and use of energy-efficient and energy-saving infor-
3 mation technology.

4 “(2) *BEST PRACTICES.*—The Chief Information
5 Officers Council established under section 3603 of title
6 44, United States Code, shall recommend best prac-
7 tices for the attainment of the performance goals,
8 which shall include Federal agency consideration of,
9 to the extent applicable by law, the use of—

10 “(A) energy savings performance con-
11 tracting; and

12 “(B) utility energy services contracting.

13 “(e) *REPORTS.*—

14 “(1) *AGENCY REPORTS.*—Each Federal agency
15 shall include in the report of the agency under section
16 527 a description of the efforts and results of the
17 agency under this section.

18 “(2) *OMB GOVERNMENT EFFICIENCY REPORTS*
19 *AND SCORECARDS.*—Effective beginning not later
20 than October 1, 2017, the Director shall include in the
21 annual report and scorecard of the Director required
22 under section 528 a description of the efforts and re-
23 sults of Federal agencies under this section.”.

24 (b) *CONFORMING AMENDMENT.*—The table of contents
25 for the Energy Independence and Security Act of 2007 is

1 *amended by adding after the item relating to section 529*
2 *the following:*

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

3 **SEC. 3112. ENERGY EFFICIENT DATA CENTERS.**

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

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

9 *(2) by striking subsection (b)(3); and*

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

12 *“(c) STAKEHOLDER INVOLVEMENT.—The Secretary*
13 *and the Administrator shall carry out subsection (b) in col-*
14 *laboration with the information technology industry and*
15 *other key stakeholders, with the goal of producing results*
16 *that accurately reflect the most relevant and useful informa-*
17 *tion available. In such collaboration, the Secretary and the*
18 *Administrator shall pay particular attention to organiza-*
19 *tions that—*

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

1 “(2) obtain and address input from Department
2 of Energy National Laboratories or any college, uni-
3 versity, research institution, industry association,
4 company, or public interest group with applicable ex-
5 pertise;

6 “(3) follow—

7 “(A) commonly accepted procedures for the
8 development of specifications; and

9 “(B) accredited standards development
10 processes; and

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

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

20 “(e) STUDY.—The Secretary, in collaboration with the
21 Administrator, shall, not later than 18 months after the
22 date of enactment of the North American Energy Security
23 and Infrastructure Act of 2016, make available to the public
24 an update to the Report to Congress on Server and Data
25 Center Energy Efficiency published on August 2, 2007,

1 *under section 1 of Public Law 109–431 (120 Stat. 2920),*
2 *that provides—*

3 “(1) *a comparison and gap analysis of the esti-*
4 *mates and projections contained in the original report*
5 *with new data regarding the period from 2008*
6 *through 2015;*

7 “(2) *an analysis considering the impact of infor-*
8 *mation technologies, including virtualization and*
9 *cloud computing, in the public and private sectors;*

10 “(3) *an evaluation of the impact of the combina-*
11 *tion of cloud platforms, mobile devices, social media,*
12 *and big data 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 2020.*

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 efficiency*
24 *opportunities in Federal data centers. Each Federal agency*
25 *shall consider having the data centers of the agency evalu-*

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

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

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

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

23 “(j) *PROTECTION OF PROPRIETARY INFORMATION.*—
24 The Secretary and the Administrator shall not disclose any
25 proprietary information or trade secrets provided by any

1 *individual or company for the purposes of carrying out this*
2 *section or the programs and initiatives established under*
3 *this section.”.*

4 **SEC. 3113. REPORT ON ENERGY AND WATER SAVINGS PO-**
5 **TENTIAL FROM THERMAL INSULATION.**

6 (a) *REPORT.*—*Not later than 1 year after the date of*
7 *enactment of this Act, the Secretary of Energy, in consulta-*
8 *tion with appropriate Federal agencies and relevant stake-*
9 *holders, shall submit to the Committee on Energy and Nat-*
10 *ural Resources of the Senate and the Committee on Energy*
11 *and Commerce of the House of Representatives a report on*
12 *the impact of thermal insulation on both energy and water*
13 *use systems for potable hot and chilled water in Federal*
14 *buildings, and the return on investment of installing such*
15 *insulation.*

16 (b) *CONTENTS.*—*The report shall include—*

17 (1) *an analysis based on the cost of municipal*
18 *or regional water for delivered water and the avoided*
19 *cost of new water; and*

20 (2) *a summary of energy and water savings, in-*
21 *cluding short-term and long-term (20 years) projec-*
22 *tions of such savings.*

23 **SEC. 3114. BATTERY STORAGE REPORT.**

24 *Not later than 1 year after the date of enactment of*
25 *this Act, the Comptroller General shall transmit to Congress*

1 *a report on the potential of battery energy storage that an-*
2 *swers the following questions:*

3 (1) *How do existing Federal standards impact*
4 *the development and deployment of battery storage*
5 *systems?*

6 (2) *What are the benefits of using existing bat-*
7 *tery storage technology, and what challenges exist to*
8 *their widespread use? What are some examples of ex-*
9 *isting battery storage projects providing these bene-*
10 *fits?*

11 (3) *What potential impact could large-scale bat-*
12 *tery storage and behind-the-meter battery storage have*
13 *on renewable energy utilization?*

14 (4) *What is the potential of battery technology*
15 *for grid-scale use nationwide? What is the potential*
16 *impact of battery technology on the national grid ca-*
17 *pabilities?*

18 (5) *How much economic activity associated with*
19 *large-scale and behind-the-meter battery storage tech-*
20 *nology is located in the United States? How many*
21 *jobs do these industries account for?*

22 (6) *What policies other than the Renewable En-*
23 *ergy Investment Tax Credit have research and avail-*
24 *able data shown to promote renewable energy use and*

1 *storage technology deployment by State and local gov-*
2 *ernments or private end-users?*

3 **SEC. 3115. FEDERAL PURCHASE REQUIREMENT.**

4 (a) *DEFINITIONS.*—Section 203(b) of the Energy Pol-
5 *icy Act of 2005 (42 U.S.C. 15852(b)) is amended by strik-*
6 *ing paragraph (2) and inserting the following:*

7 “(2) *RENEWABLE ENERGY.*—The term ‘renewable
8 *energy’ means electric energy, or thermal energy if re-*
9 *sulting from a thermal energy project placed in serv-*
10 *ice after December 31, 2014, generated from, or avoid-*
11 *ed by, solar, wind, biomass, landfill gas, ocean (in-*
12 *cluding tidal, wave, current, and thermal), geo-*
13 *thermal, municipal solid waste (in accordance with*
14 *subsection (e)), qualified waste heat resource, or new*
15 *hydroelectric generation capacity achieved from in-*
16 *creased efficiency or additions of new capacity at an*
17 *existing hydroelectric project.*

18 “(3) *QUALIFIED WASTE HEAT RESOURCE.*—The
19 *term ‘qualified waste heat resource’ means—*

20 “(A) *exhaust heat or flared gas from any*
21 *industrial process;*

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

24 “(C) *a pressure drop in any gas for an in-*
25 *dustrial or commercial process; or*

1 “(D) such other forms of waste heat as the
2 Secretary determines appropriate.”.

3 (b) *PAPER RECYCLING.*—Section 203 of the Energy
4 Policy Act of 2005 (42 U.S.C. 15852) is amended by adding
5 at the end the following:

6 “(e) *PAPER RECYCLING.*—

7 “(1) *SEPARATE COLLECTION.*—For purposes of
8 this section, any Federal agency may consider electric
9 energy generation purchased from a facility to be re-
10 newable energy if the municipal solid waste used by
11 the facility to generate the electricity is—

12 “(A) separately collected (within the mean-
13 ing of section 246.101(z) of title 40, Code of Fed-
14 eral Regulations, as in effect on the date of en-
15 actment of the North American Energy Security
16 and Infrastructure Act of 2016) from paper that
17 is commonly recycled; and

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

21 “(2) *INCIDENTAL INCLUSION.*—Municipal solid
22 waste used to generate electric energy that meets the
23 conditions described in paragraph (1) shall be consid-
24 ered renewable energy even if the municipal solid
25 waste contains incidental commonly recycled paper.

1 “(3) *NO EFFECT ON EXISTING PROCESSES.*—
 2 *Nothing in paragraph (1) shall be interpreted to re-*
 3 *quire a State or political subdivision of a State, di-*
 4 *rectly or indirectly, to change the systems, processes,*
 5 *or equipment it uses to collect, treat, dispose of, or*
 6 *otherwise use municipal solid waste, within the*
 7 *meaning of the Solid Waste Disposal Act (42 U.S.C.*
 8 *6901 et seq.), nor require a change to the regulations*
 9 *that implement subtitle D of such Act (42 U.S.C.*
 10 *6941 et seq.).”.*

11 **SEC. 3116. ENERGY PERFORMANCE REQUIREMENT FOR**
 12 **FEDERAL BUILDINGS.**

13 *Section 543 of the National Energy Conservation Pol-*
 14 *icy Act (42 U.S.C. 8253) is amended—*

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

17 “(a) *ENERGY PERFORMANCE REQUIREMENT FOR FED-*
 18 *ERAL BUILDINGS.*—

19 “(1) *REQUIREMENT.*—*Subject to paragraph (2),*
 20 *each agency shall apply energy conservation measures*
 21 *to, and shall improve the design for the construction*
 22 *of, the Federal buildings of the agency (including each*
 23 *industrial or laboratory facility) so that the energy*
 24 *consumption per gross square foot of the Federal*
 25 *buildings of the agency in fiscal years 2006 through*

1 2017 is reduced, as compared with the energy con-
 2 sumption per gross square foot of the Federal build-
 3 ings of the agency in fiscal year 2003, by the percent-
 4 age specified in the following table:

| “Fiscal Year | Percentage Reduction |
|---------------------|---------------------------------|
| 2006 | 2 |
| 2007 | 4 |
| 2008 | 9 |
| 2009 | 12 |
| 2010 | 15 |
| 2011 | 18 |
| 2012 | 21 |
| 2013 | 24 |
| 2014 | 27 |
| 2015 | 30 |
| 2016 | 33 |
| 2017 | 36. |

5 “(2) *EXCLUSION FOR BUILDINGS WITH ENERGY*
 6 *INTENSIVE ACTIVITIES.*—

7 “(A) *IN GENERAL.*—An agency may exclude
 8 from the requirements of paragraph (1) any
 9 building (including the associated energy con-
 10 sumption and gross square footage) in which en-
 11 ergy intensive activities are carried out.

12 “(B) *REPORTS.*—Each agency shall identify
 13 and list in each report made under section
 14 548(a) the buildings designated by the agency for
 15 exclusion under subparagraph (A).

16 “(3) *REVIEW.*—Not later than December 31,
 17 2017, the Secretary shall—

1 “(A) review the results of the implementa-
2 tion of the energy performance requirements es-
3 tablished under paragraph (1); and

4 “(B) based on the review conducted under
5 subparagraph (A), submit to Congress a report
6 that addresses the feasibility of requiring each
7 agency to apply energy conservation measures to,
8 and improve the design for the construction of,
9 the Federal buildings of the agency (including
10 each industrial or laboratory facility) so that the
11 energy consumption per gross square foot of the
12 Federal buildings of the agency in each of fiscal
13 years 2018 through 2030 is reduced, as compared
14 with the energy consumption per gross square
15 foot of the Federal buildings of the agency in the
16 prior fiscal year, by 3 percent.”; and

17 (2) in subsection (f)—

18 (A) in paragraph (1)—

19 (i) by redesignating subparagraphs
20 (E), (F), and (G) as subparagraphs (F),
21 (G), and (H), respectively; and

22 (ii) by inserting after subparagraph
23 (D) the following:

24 “(E) ONGOING COMMISSIONING.—The term
25 ‘ongoing commissioning’ means an ongoing proc-

1 *ess of commissioning using monitored data, the*
2 *primary goal of which is to ensure continuous*
3 *optimum performance of a facility, in accord-*
4 *ance with design or operating needs, over the*
5 *useful life of the facility, while meeting facility*
6 *occupancy requirements.”;*

7 *(B) in paragraph (2), by adding at the end*
8 *the following:*

9 *“(C) ENERGY MANAGEMENT SYSTEM.—An*
10 *energy manager designated under subparagraph*
11 *(A) shall consider use of a system to manage en-*
12 *ergy use at the facility and certification of the*
13 *facility in accordance with the International Or-*
14 *ganization for Standardization standard num-*
15 *bered 50001 and entitled ‘Energy Management*
16 *Systems’.”;*

17 *(C) by striking paragraphs (3) and (4) and*
18 *inserting the following:*

19 *“(3) ENERGY AND WATER EVALUATIONS AND*
20 *COMMISSIONING.—*

21 *“(A) EVALUATIONS.—Except as provided in*
22 *subparagraph (B), effective beginning on the*
23 *date that is 180 days after the date of enactment*
24 *of the North American Energy Security and In-*
25 *frastructure Act of 2016, and annually there-*

1 *after, each energy manager shall complete, for*
2 *each calendar year, a comprehensive energy and*
3 *water evaluation and recommissioning or*
4 *retrocommissioning for approximately 25 percent*
5 *of the facilities of that energy manager's agency*
6 *that meet the criteria under paragraph (2)(B) in*
7 *a manner that ensures that an evaluation of*
8 *each facility is completed at least once every 4*
9 *years.*

10 “(B) *EXCEPTIONS.—An evaluation and re-*
11 *commissioning or recommissioning shall not be*
12 *required under subparagraph (A) with respect to*
13 *a facility that—*

14 “(i) *has had a comprehensive energy*
15 *and water evaluation during the 8-year pe-*
16 *riod preceding the date of the evaluation;*

17 “(ii)(I) *has been commissioned, re-*
18 *commissioned, or retrocommissioned during*
19 *the 10-year period preceding the date of the*
20 *evaluation; or*

21 “(II) *is under ongoing commissioning,*
22 *recommissioning, or retrocommissioning;*

23 “(iii) *has not had a major change in*
24 *function or use since the previous evalua-*

1 *tion and commissioning, recommissioning,*
2 *or retrocommissioning;*

3 *“(iv) has been benchmarked with pub-*
4 *lic disclosure under paragraph (8) within*
5 *the year preceding the evaluation; and*

6 *“(v)(I) based on the benchmarking, has*
7 *achieved at a facility level the most recent*
8 *cumulative energy savings target under sub-*
9 *section (a) compared to the earlier of—*

10 *“(aa) the date of the most recent*
11 *evaluation; or*

12 *“(bb) the date—*

13 *“(AA) of the most recent*
14 *commissioning, recommissioning,*
15 *or retrocommissioning; or*

16 *“(BB) on which ongoing*
17 *commissioning, recommissioning,*
18 *or retrocommissioning began; or*

19 *“(II) has a long-term contract in place*
20 *guaranteeing energy savings at least as*
21 *great as the energy savings target under*
22 *subclause (I).*

23 *“(4) IMPLEMENTATION OF IDENTIFIED ENERGY*
24 *AND WATER EFFICIENCY MEASURES.—*

1 “(A) *IN GENERAL.*—Not later than 2 years
2 after the date of completion of each evaluation
3 under paragraph (3), each energy manager
4 may—

5 “(i) implement any energy- or water-
6 saving measure that the Federal agency
7 identified in the evaluation conducted under
8 paragraph (3) that is life-cycle cost effective;
9 and

10 “(ii) bundle individual measures of
11 varying paybacks together into combined
12 projects.

13 “(B) *MEASURES NOT IMPLEMENTED.*—Each
14 energy manager, as part of the certification sys-
15 tem under paragraph (7) and using guidelines
16 developed by the Secretary, shall provide an ex-
17 planation regarding any life-cycle cost-effective
18 measures described in subparagraph (A)(i) that
19 have not been implemented.”; and

20 (D) in paragraph (7)(C), by adding at the
21 end the following:

22 “(iii) *SUMMARY REPORT.*—The Sec-
23 retary shall make publicly available a re-
24 port that summarizes the information
25 tracked under subparagraph (B)(i) by each

1 agency and, as applicable, by each type of
2 measure.”.

3 **SEC. 3117. FEDERAL BUILDING ENERGY EFFICIENCY PER-**
4 **FORMANCE STANDARDS; CERTIFICATION SYS-**
5 **TEM AND LEVEL FOR FEDERAL BUILDINGS.**

6 (a) *DEFINITIONS.*—Section 303 of the Energy Con-
7 servation and Production Act (42 U.S.C. 6832) is amend-
8 ed—

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

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

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

18 (b) *FEDERAL BUILDING EFFICIENCY STANDARDS.*—
19 Section 305 of the Energy Conservation and Production Act
20 (42 U.S.C. 6834) is amended—

21 (1) in subsection (a)(3)—

22 (A) by striking “(3)(A) Not later than” and
23 all that follows through the end of subparagraph

24 (B) and inserting the following:

1 “(3) *REVISED FEDERAL BUILDING ENERGY EFFI-*
2 *CIENCY PERFORMANCE STANDARDS; CERTIFICATION*
3 *FOR GREEN BUILDINGS.—*

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

6 “(i) *IN GENERAL.—Not later than 1*
7 *year after the date of enactment of the*
8 *North American Energy Security and In-*
9 *frastructure Act of 2016, the Secretary shall*
10 *establish, by rule, revised Federal building*
11 *energy efficiency performance standards*
12 *that require that—*

13 “(I) *new Federal buildings and*
14 *alterations and additions to existing*
15 *Federal buildings—*

16 “(aa) *meet or exceed the most*
17 *recent revision of the IECC (in*
18 *the case of residential buildings)*
19 *or ASHRAE Standard 90.1 (in*
20 *the case of commercial buildings)*
21 *as of the date of enactment of the*
22 *North American Energy Security*
23 *and Infrastructure Act of 2016;*
24 *and*

1 “(bb) meet or exceed the en-
2 ergy provisions of State and local
3 building codes applicable to the
4 building, if the codes are more
5 stringent than the IECC or
6 ASHRAE Standard 90.1, as ap-
7 plicable;

8 “(II) unless demonstrated not to
9 be life-cycle cost effective for new Fed-
10 eral buildings and Federal buildings
11 with major renovations—

12 “(aa) the buildings be de-
13 signed to achieve energy consump-
14 tion levels that are at least 30
15 percent below the levels established
16 in the version of the ASHRAE
17 Standard or the IECC, as appro-
18 priate, that is applied under sub-
19 clause (I)(aa), including updates
20 under subparagraph (B); and

21 “(bb) sustainable design
22 principles are applied to the loca-
23 tion, siting, design, and construc-
24 tion of all new Federal buildings

1 *and replacement Federal build-*
2 *ings;*

3 *“(III) if water is used to achieve*
4 *energy efficiency, water conservation*
5 *technologies shall be applied to the ex-*
6 *tent that the technologies are life-cycle*
7 *cost effective; and*

8 *“(IV) if life-cycle cost effective, as*
9 *compared to other reasonably available*
10 *technologies, not less than 30 percent of*
11 *the hot water demand for each new*
12 *Federal building or Federal building*
13 *undergoing a major renovation be met*
14 *through the installation and use of*
15 *solar hot water heaters.*

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

20 *“(B) UPDATES.—Not later than 1 year*
21 *after the date of approval of each subsequent re-*
22 *vision of ASHRAE Standard 90.1 or the IECC,*
23 *as appropriate, the Secretary shall determine*
24 *whether the revised standards established under*
25 *subparagraph (A) should be updated to reflect*

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

3 *(B) in subparagraph (C), by striking “(C)*
 4 *In the budget request” and inserting the fol-*
 5 *lowing:*

6 *“(C) BUDGET REQUEST.—In the budget re-*
 7 *quest”;* and

8 *(C) in subparagraph (D)—*

9 *(i) by striking “(D) Not later than”*
 10 *and all that follows through the end of the*
 11 *first sentence of clause (i)(III) and inserting*
 12 *the following:*

13 *“(D) CERTIFICATION FOR GREEN BUILD-*
 14 *INGS.—*

15 *“(i) IN GENERAL.—”;*

16 *(ii) by striking clause (ii);*

17 *(iii) in clause (iii), by striking “(iii)*
 18 *In identifying” and inserting the following:*

19 *“(ii) CONSIDERATIONS.—In identi-*
 20 *fying”;*

21 *(iv) in clause (iv)—*

22 *(I) by striking “(iv) At least*
 23 *once” and inserting the following:*

24 *“(iii) STUDY.—At least once”;* and

1 (II) by striking “clause (iii)” and
2 inserting “clause (ii)”;

3 (v) in clause (v)—

4 (I) by striking “(v) The Secretary
5 may” and inserting the following:

6 “(iv) *INTERNAL CERTIFICATION PROC-*
7 *ESSES.—The Secretary may*”; and

8 (II) by striking “clause (i)(III)”
9 each place it appears and inserting
10 “clause (i)”;

11 (vi) in clause (vi)—

12 (I) by striking “(vi) *With respect*”
13 and inserting the following:

14 “(v) *PRIVATIZED MILITARY HOUS-*
15 *ING.—With respect*”; and

16 (II) by striking “develop alter-
17 native criteria to those established by
18 subclauses (I) and (III) of clause (i)
19 that achieve an equivalent result in
20 terms of energy savings, sustainable de-
21 sign, and” and inserting “develop al-
22 ternative certification systems and lev-
23 els than the systems and levels identi-
24 fied under clause (i) that achieve an
25 equivalent result in terms of”; and

1 (vii) in clause (vii), by striking “(vii)
2 In addition to” and inserting the following:

3 “(vi) WATER CONSERVATION TECH-
4 NOLOGIES.—In addition to”; and

5 (2) by striking subsections (c) and (d) and in-
6 serting the following:

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

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

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

16 **SEC. 3118. OPERATION OF BATTERY RECHARGING STA-**
17 **TIONS IN PARKING AREAS USED BY FEDERAL**
18 **EMPLOYEES.**

19 (a) AUTHORIZATION.—

20 (1) IN GENERAL.—The head of any office of the
21 Federal Government which owns or operates a park-
22 ing area for the use of its employees (either directly
23 or indirectly through a contractor) may install, con-
24 struct, operate, and maintain on a reimbursable basis
25 a battery recharging station in such area for the use

1 *of privately owned vehicles of employees of the office*
2 *and others who are authorized to park in such area.*

3 (2) *USE OF VENDORS.—The head of an office*
4 *may carry out paragraph (1) through a contract with*
5 *a vendor, under such terms and conditions (including*
6 *terms relating to the allocation between the office and*
7 *the vendor of the costs of carrying out the contract)*
8 *as the head of the office and the vendor may agree to.*

9 (b) *IMPOSITION OF FEES TO COVER COSTS.—*

10 (1) *FEES.—The head of an office of the Federal*
11 *Government which operates and maintains a battery*
12 *recharging station under this section shall charge fees*
13 *to the individuals who use the station in such amount*
14 *as is necessary to ensure that office recovers all of the*
15 *costs it incurs in installing, constructing, operating,*
16 *and maintaining the station.*

17 (2) *DEPOSIT AND AVAILABILITY OF FEES.—Any*
18 *fees collected by the head of an office under this sub-*
19 *section shall be—*

20 (A) *deposited monthly in the Treasury to*
21 *the credit of the appropriations account for sala-*
22 *ries and expenses of the office; and*

23 (B) *available for obligation without further*
24 *appropriation during—*

25 (i) *the fiscal year collected; and*

1 (ii) the fiscal year following the fiscal
2 year collected.

3 (c) **NO EFFECT ON EXISTING PROGRAMS FOR HOUSE**
4 **AND SENATE.**—Nothing in this section may be construed
5 to affect the installation, construction, operation, or main-
6 tenance of battery recharging stations by the Architect of
7 the Capitol—

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

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

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

19 **SEC. 3119. REPORT ON ENERGY SAVINGS AND GREEN-**
20 **HOUSE GAS EMISSIONS REDUCTION FROM**
21 **CONVERSION OF CAPTURED METHANE TO EN-**
22 **ERGY.**

23 (a) **REPORT.**—Not later than 1 year after the date of
24 enactment of this Act, the Secretary of Energy, in consulta-
25 tion with appropriate Federal agencies and relevant stake-

1 holders, shall submit to the Committee on Energy and Nat-
 2 ural Resources of the Senate and the Committee on Energy
 3 and Commerce of the House of Representatives a report on
 4 the impact of captured methane converted for energy and
 5 power generation on Federal lands, Federal buildings, and
 6 relevant municipalities that use such generation, and the
 7 return on investment and reduction in greenhouse gas emis-
 8 sions of utilizing such power generation.

9 (b) CONTENTS.—The report shall include—

10 (1) a summary of energy performance and sav-
 11 ings resulting from the utilization of such power gen-
 12 eration, including short-term and long-term (20
 13 years) projections of such savings; and

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

17 **CHAPTER 2—ENERGY EFFICIENT**
 18 **TECHNOLOGY AND MANUFACTURING**

19 **SEC. 3121. INCLUSION OF SMART GRID CAPABILITY ON EN-**
 20 **ERGY GUIDE LABELS.**

21 Section 324(a)(2) of the Energy Policy and Conserva-
 22 tion Act (42 U.S.C. 6294(a)(2)) is amended by adding the
 23 following at the end:

24 “(J) SMART GRID CAPABILITY ON ENERGY
 25 GUIDE LABELS.—

1 “(i) *RULE.*—Not later than 1 year
2 after the date of enactment of this subpara-
3 graph, the Commission shall initiate a rule-
4 making to consider making a special note
5 in a prominent manner on any *Energy*
6 *Guide* label for any product that includes
7 *Smart Grid* capability that—

8 “(I) *Smart Grid* capability is a
9 feature of that product;

10 “(II) the use and value of that
11 feature depend on the *Smart Grid* ca-
12 pability of the utility system in which
13 the product is installed and the active
14 utilization of that feature by the cus-
15 tomer; and

16 “(III) on a utility system with
17 *Smart Grid* capability, the use of the
18 product’s *Smart Grid* capability could
19 reduce the customer’s cost of the prod-
20 uct’s annual operation as a result of
21 the incremental energy and electricity
22 cost savings that would result from the
23 customer taking full advantage of such
24 *Smart Grid* capability.

1 “(i) *DEADLINE.*—Not later than 3
 2 years after the date of enactment of this
 3 subparagraph, the Commission shall com-
 4 plete the rulemaking initiated under clause
 5 (i).”.

6 **SEC. 3122. VOLUNTARY VERIFICATION PROGRAMS FOR AIR**
 7 **CONDITIONING, FURNACE, BOILER, HEAT**
 8 **PUMP, AND WATER HEATER PRODUCTS.**

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

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

15 “(A) *RELIANCE ON VOLUNTARY PRO-*
 16 *GRAMS.—For the purpose of verifying compli-*
 17 *ance with energy conservation standards estab-*
 18 *lished under sections 325 and 342 for covered*
 19 *products described in paragraphs (3), (4), (5),*
 20 *(9), and (11) of section 322(a) and covered*
 21 *equipment described in subparagraphs (B), (C),*
 22 *(D), (F), (I), (J), and (K) of section 340(1), the*
 23 *Secretary shall rely on testing conducted by rec-*
 24 *ognized voluntary verification programs that are*

1 *recognized by the Secretary in accordance with*
2 *subparagraph (B).*

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

5 “(i) *IN GENERAL.—Not later than 180*
6 *days after the date of enactment of this*
7 *paragraph, the Secretary shall initiate a*
8 *negotiated rulemaking in accordance with*
9 *subchapter III of chapter 5 of title 5,*
10 *United States Code (commonly known as*
11 *the ‘Negotiated Rulemaking Act of 1990’) to*
12 *develop criteria that have consensus support*
13 *for achieving recognition by the Secretary*
14 *as an approved voluntary verification pro-*
15 *gram. Any subsequent amendment to such*
16 *criteria may be made only pursuant to a*
17 *subsequent negotiated rulemaking in accord-*
18 *ance with subchapter III of chapter 5 of*
19 *title 5, United States Code.*

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

24 “(I) *is nationally recognized;*

1 “(II) is operated by a third party
2 and not directly operated by a pro-
3 gram participant;

4 “(III) satisfies any applicable ele-
5 ments of—

6 “(aa) International Organi-
7 zation for Standardization stand-
8 ard numbered 17025; and

9 “(bb) any other relevant
10 International Organization for
11 Standardization standards identi-
12 fied and agreed to through the ne-
13 gotiated rulemaking under clause
14 (i);

15 “(IV) at least annually tests inde-
16 pendently obtained products following
17 the test procedures established under
18 this title to verify the certified rating
19 of a representative sample of products
20 and equipment within the scope of the
21 program;

22 “(V) maintains a publicly avail-
23 able list of all ratings of products sub-
24 ject to verification;

1 “(VI) requires the changing of the
2 performance rating or removal of the
3 product or equipment from the pro-
4 gram if testing determines that the
5 performance rating does not meet the
6 levels the manufacturer has certified to
7 the Secretary;

8 “(VII) requires new program par-
9 ticipants to substantiate ratings
10 through test data generated in accord-
11 ance with Department of Energy regu-
12 lations;

13 “(VIII) allows for challenge test-
14 ing of products and equipment within
15 the scope of the program;

16 “(IX) requires program partici-
17 pants to disclose the performance rat-
18 ing of all covered products and equip-
19 ment within the scope of the program
20 for the covered product or equipment;

21 “(X) provides to the Secretary—

22 “(aa) an annual report of all
23 test results, the contents of which
24 shall be determined through the

1 *negotiated rulemaking process*
2 *under clause (i); and*

3 “(bb) *test reports, on the re-*
4 *quest of the Secretary, that note*
5 *any instructions specified by the*
6 *manufacturer or the representa-*
7 *tive of the manufacturer for the*
8 *purpose of conducting the*
9 *verification testing; and*

10 “(XI) *satisfies any additional re-*
11 *quirements or standards that the Sec-*
12 *retary shall establish consistent with*
13 *this subparagraph.*

14 “(iii) *CESSATION OF RECOGNITION.—*
15 *The Secretary may only cease recognition of*
16 *a voluntary verification program as an ap-*
17 *proved program described in subparagraph*
18 *(A) upon a finding that the program is not*
19 *meeting its obligations for compliance*
20 *through program review criteria developed*
21 *during the negotiated rulemaking conducted*
22 *under subparagraph (B).*

23 “(C) *ADMINISTRATION.—*

24 “(i) *IN GENERAL.—The Secretary shall*
25 *not require—*

1 “(I) manufacturers to participate
2 in a recognized voluntary verification
3 program described in subparagraph
4 (A); or

5 “(II) participating manufacturers
6 to provide information that has al-
7 ready been provided to the Secretary.

8 “(ii) LIST OF COVERED PRODUCTS.—
9 The Secretary may maintain a publicly
10 available list of covered products and equip-
11 ment that distinguishes between products
12 that are and are not covered products and
13 equipment verified through a recognized vol-
14 untary verification program described in
15 subparagraph (A).

16 “(iii) PERIODIC VERIFICATION TEST-
17 ING.—The Secretary—

18 “(I) shall not subject products or
19 equipment that have been verification
20 tested under a recognized voluntary
21 verification program described in sub-
22 paragraph (A) to periodic verification
23 testing to verify the accuracy of the
24 certified performance rating of the
25 products or equipment; but

1 “(II) may require testing of prod-
2 ucts or equipment described in sub-
3 clause (I)—

4 “(aa) if the testing is nec-
5 essary—

6 “(AA) to assess the over-
7 all performance of a vol-
8 untary verification program;

9 “(BB) to address spe-
10 cific performance issues;

11 “(CC) for use in updat-
12 ing test procedures and
13 standards; or

14 “(DD) for other pur-
15 poses consistent with this
16 title; or

17 “(bb) if such testing is agreed
18 to during the negotiated rule-
19 making conducted under subpara-
20 graph (B).

21 “(D) EFFECT ON OTHER AUTHORITY.—

22 *Nothing in this paragraph limits the authority*
23 *of the Secretary to enforce compliance with any*
24 *law.”.*

1 **SEC. 3123. FACILITATING CONSENSUS FURNACE STAND-**
2 **ARDS.**

3 (a) *CONGRESSIONAL FINDINGS AND DECLARATION OF*
4 *PURPOSE.*—

5 (1) *FINDINGS.*—*Congress finds that—*

6 (A) *acting pursuant to the requirements of*
7 *section 325 of the Energy Policy and Conserva-*
8 *tion Act (42 U.S.C. 6295), the Secretary of En-*
9 *ergy is considering amending the energy con-*
10 *servation standards applicable to residential*
11 *nonweatherized gas furnaces and mobile home*
12 *gas furnaces;*

13 (B) *numerous stakeholders, representing*
14 *manufacturers, distributors, and installers of res-*
15 *idential nonweatherized gas furnaces and mobile*
16 *home furnaces, natural gas utilities, home build-*
17 *ers, multifamily property owners, and energy ef-*
18 *iciency, environmental, and consumer advocates*
19 *have begun negotiations in an attempt to agree*
20 *on a consensus recommendation to the Secretary*
21 *on levels for such standards that will meet the*
22 *statutory criteria; and*

23 (C) *the stakeholders believe these negotia-*
24 *tions are likely to result in a consensus rec-*
25 *ommendation, but several of the stakeholders do*
26 *not support suspending the current rulemaking.*

1 (2) *PURPOSE.*—*It is the purpose of this section*
2 *to provide the stakeholders described in paragraph (1)*
3 *with an opportunity to continue negotiations for a*
4 *limited time period to facilitate the proposal for*
5 *adoption of standards that enjoy consensus support,*
6 *while not delaying the current rulemaking except to*
7 *the extent necessary to provide such opportunity.*

8 (b) *OPPORTUNITY FOR A NEGOTIATED FURNACE*
9 *STANDARD.*—*Section 325(f)(4) of the Energy Policy and*
10 *Conservation Act (42 U.S.C. 6295(f)(4)) is amended by*
11 *adding after subparagraph (D) the following:*

12 “(E)(i) *Unless the Secretary has published such a no-*
13 *tice prior to the date of enactment of this Act, the Secretary*
14 *shall publish, not later than October 31, 2015, a supple-*
15 *mental notice of proposed rulemaking or a notice of data*
16 *availability updating the proposed rule entitled ‘Energy*
17 *Conservation Program for Consumer Products: Energy*
18 *Conservation Standards for Residential Furnaces’ and pub-*
19 *lished in the Federal Register on March 12, 2015 (80 Fed.*
20 *Reg. 13119), to provide notice and an opportunity for com-*
21 *ment on—*

22 “(I) *dividing nonweatherized gas furnaces into*
23 *two or more product classes with separate energy con-*
24 *servation standards based on capacity; and*

1 “(II) any other matters the Secretary determines
2 appropriate.

3 “(ii) On receipt of a statement that is submitted on
4 or before January 1, 2016, jointly by interested persons that
5 are fairly representative of relevant points of view, that con-
6 tains recommended standards for nonweatherized gas fur-
7 naces and mobile home gas furnaces that are consistent with
8 the requirements of this part (except that the date on which
9 such standards will apply may be earlier or later than the
10 date required under this part), the Secretary shall evaluate
11 the standards proposed in the joint statement for consist-
12 ency with the requirements of subsection (o), and shall pub-
13 lish notice of the potential adoption of the standards pro-
14 posed in the joint statement, modified as necessary to ensure
15 consistency with subsection (o). The Secretary shall solicit
16 public comment for a period of at least 30 days with respect
17 to such notice.

18 “(iii) Not later than July 31, 2016, but not before July
19 1, 2016, the Secretary shall publish a final rule containing
20 a determination of whether the standards for nonweather-
21 ized gas furnaces and mobile home gas furnaces should be
22 amended. Such rule shall contain any such amendments to
23 the standards.”.

1 **SEC. 3124. NO WARRANTY FOR CERTAIN CERTIFIED ENERGY**
2 **STAR PRODUCTS.**

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

6 “(e) *NO WARRANTY.*—

7 “(1) *IN GENERAL.*—*Any disclosure relating to*
8 *participation of a product in the Energy Star pro-*
9 *gram shall not create an express or implied warranty*
10 *or give rise to any private claims or rights of action*
11 *under State or Federal law relating to the disquali-*
12 *fication of that product from Energy Star if—*

13 “(A) *the product has been certified by a cer-*
14 *tification body recognized by the Energy Star*
15 *program;*

16 “(B) *the Administrator has approved cor-*
17 *rective measures, including a determination of*
18 *whether or not consumer compensation is appro-*
19 *priate; and*

20 “(C) *the responsible party has fully com-*
21 *plied with all approved corrective measures.*

22 “(2) *CONSTRUAL.*—*Nothing in this subsection*
23 *shall be construed to require the Administrator to*
24 *modify any procedure or take any other action.”.*

1 **SEC. 3125. CLARIFICATION TO EFFECTIVE DATE FOR RE-**
2 **GIONAL STANDARDS.**

3 *Section 325(o)(6)(E)(ii) of the Energy Policy and*
4 *Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended*
5 *by striking “installed” and inserting “manufactured or im-*
6 *ported into the United States”.*

7 **SEC. 3126. INTERNET OF THINGS REPORT.**

8 *The Secretary of Energy shall, not later than 18*
9 *months after the date of enactment of this Act, report to*
10 *the Committee on Energy and Commerce of the House of*
11 *Representatives and the Committee on Energy and Natural*
12 *Resources of the Senate on the efforts made to take advan-*
13 *tage of, and promote, the utilization of advanced tech-*
14 *nologies such as Internet of Things end-to-end platform so-*
15 *lutions to provide real-time actionable analytics and enable*
16 *predictive maintenance and asset management to improve*
17 *energy efficiency wherever feasible. In doing so, the Sec-*
18 *retary shall look to encourage and utilize Internet of Things*
19 *energy management solutions that have security tightly in-*
20 *tegrated into the hardware and software from the outset.*
21 *The Secretary shall also encourage the use of Internet of*
22 *Things solutions that enable seamless connectivity and that*
23 *are interoperable, open standards-based, and built on a re-*
24 *peatable foundation for ease of scalability.*

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

2 *Not later than 1 year after the date of enactment of*
3 *this Act, the Secretary of Energy, in cooperation with the*
4 *Administrator of the Environmental Protection Agency and*
5 *the Director of Management and Budget, shall—*

6 *(1) review and update the report prepared pur-*
7 *suant to section 1838 of the Energy Policy Act of*
8 *2005;*

9 *(2) after consultation with relevant Federal,*
10 *State, and local agencies and affected industry and*
11 *stakeholder groups, update data that was used in pre-*
12 *paring that report; and*

13 *(3) prepare and submit to Congress a coordi-*
14 *nated Federal strategy to increase the beneficial reuse*
15 *of used lubricating oil, that—*

16 *(A) is consistent with national policy as es-*
17 *tablished pursuant to section 2 of the Used Oil*
18 *Recycling Act of 1980 (Public Law 96–463); and*

19 *(B) addresses measures needed to—*

20 *(i) increase the responsible collection of*
21 *used oil;*

22 *(ii) disseminate public information*
23 *concerning sustainable reuse options for*
24 *used oil; and*

25 *(iii) promote sustainable reuse of used*
26 *oil by Federal agencies, recipients of Fed-*

1 eral grant funds, entities contracting with
2 the Federal Government, and the general
3 public.

4 **SEC. 3128. DEFINITION OF EXTERNAL POWER SUPPLY.**

5 Section 321(36)(A) of the Energy Policy and Con-
6 servation Act (42 U.S.C. 6291(36)(A)) is amended—

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

10 “(A) *EXTERNAL POWER SUPPLY.*—

11 “(i) *IN GENERAL.*—The term”; and

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

13 “(ii) *EXCLUSION.*—The term ‘external
14 power supply’ does not include a power
15 supply circuit, driver, or device that is de-
16 signed exclusively to be connected to, and
17 power—

18 “(I) light-emitting diodes pro-
19 viding illumination; or

20 “(II) organic light-emitting diodes
21 providing illumination.”.

1 **SEC. 3129. STANDARDS FOR POWER SUPPLY CIRCUITS CON-**
2 **NECTED TO LEDS OR OLEDS.**

3 (a) *IN GENERAL.*—Section 325(u) of the Energy Pol-
4 *icy and Conservation Act (42 U.S.C. 6295(u)) is amended*
5 *by adding at the end the following:*

6 “(6) *POWER SUPPLY CIRCUITS CONNECTED TO*
7 *LEDS OR OLEDS.*—Notwithstanding the exclusion de-
8 *scribed in section 321(36)(A)(ii), the Secretary may*
9 *prescribe, in accordance with subsections (o) and (p)*
10 *and section 322(b), an energy conservation standard*
11 *for a power supply circuit, driver, or device that is*
12 *designed primarily to be connected to, and power,*
13 *light-emitting diodes or organic light-emitting diodes*
14 *providing illumination.”.*

15 (b) *ENERGY CONSERVATION STANDARDS.*—Section
16 *346 of the Energy Policy and Conservation Act (42 U.S.C.*
17 *6317) is amended by adding at the end the following:*

18 “(g) *ENERGY CONSERVATION STANDARD FOR POWER*
19 *SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.*—
20 *Not earlier than 1 year after applicable testing require-*
21 *ments are prescribed under section 343, the Secretary may*
22 *prescribe an energy conservation standard for a power sup-*
23 *ply circuit, driver, or device that is designed primarily to*
24 *be connected to, and power, light-emitting diodes or organic*
25 *light-emitting diodes providing illumination.”.*

1 **CHAPTER 3—SCHOOL BUILDINGS**

2 **SEC. 3131. COORDINATION OF ENERGY RETROFITTING AS-**
 3 **SISTANCE FOR SCHOOLS.**

4 *Section 392 of the Energy Policy and Conservation Act*
 5 *(42 U.S.C. 6371a) is amended by adding at the end the*
 6 *following:*

7 “(e) *COORDINATION OF ENERGY RETROFITTING AS-*
 8 *SISTANCE FOR SCHOOLS.—*

9 “(1) *DEFINITION OF SCHOOL.—Notwithstanding*
 10 *section 391(6), for the purposes of this subsection, the*
 11 *term ‘school’ means—*

12 “(A) *an elementary school or secondary*
 13 *school (as defined in section 9101 of the Elemen-*
 14 *tary and Secondary Education Act of 1965 (20*
 15 *U.S.C. 7801));*

16 “(B) *an institution of higher education (as*
 17 *defined in section 102(a) of the Higher Edu-*
 18 *cation Act of 1965 (20 U.S.C. 1002(a));*

19 “(C) *a school of the defense dependents’ edu-*
 20 *cation system under the Defense Dependents’*
 21 *Education Act of 1978 (20 U.S.C. 921 et seq.) or*
 22 *established under section 2164 of title 10, United*
 23 *States Code;*

24 “(D) *a school operated by the Bureau of In-*
 25 *dian Affairs;*

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

4 “(F) a Tribal College or University (as de-
5 fined in section 316(b) of the Higher Education
6 Act of 1965 (20 U.S.C. 1059c(b))).

7 “(2) *ESTABLISHMENT OF CLEARINGHOUSE.*—The
8 Secretary, acting through the Office of Energy Effi-
9 ciency and Renewable Energy, shall establish a clear-
10 inghouse to disseminate information regarding avail-
11 able Federal programs and financing mechanisms
12 that may be used to help initiate, develop, and fi-
13 nance energy efficiency, distributed generation, and
14 energy retrofitting projects for schools.

15 “(3) *REQUIREMENTS.*—In carrying out para-
16 graph (2), the Secretary shall—

17 “(A) consult with appropriate Federal
18 agencies to develop a list of Federal programs
19 and financing mechanisms that are, or may be,
20 used for the purposes described in paragraph (2);
21 and

22 “(B) coordinate with appropriate Federal
23 agencies to develop a collaborative education and
24 outreach effort to streamline communications
25 and promote available Federal programs and fi-

1 *ancing mechanisms described in subparagraph*
 2 *(A), which may include the development and*
 3 *maintenance of a single online resource that in-*
 4 *cludes contact information for relevant technical*
 5 *assistance in the Office of Energy Efficiency and*
 6 *Renewable Energy that States, local education*
 7 *agencies, and schools may use to effectively access*
 8 *and use such Federal programs and financing*
 9 *mechanisms.”.*

10 **CHAPTER 4—BUILDING ENERGY CODES**

11 **SEC. 3141. GREATER ENERGY EFFICIENCY IN BUILDING**
 12 **CODES.**

13 *(a) DEFINITIONS.—Section 303 of the Energy Con-*
 14 *servation and Production Act (42 U.S.C. 6832), as amended*
 15 *by section 3116, is further amended—*

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

18 *“(14) MODEL BUILDING ENERGY CODE.—The*
 19 *term ‘model building energy code’ means a voluntary*
 20 *building energy code or standard developed and up-*
 21 *dated through a consensus process among interested*
 22 *persons, such as the IECC or ASHRAE Standard*
 23 *90.1 or a code used by other appropriate organiza-*
 24 *tions regarding which the Secretary has issued a de-*
 25 *termination that buildings subject to it would achieve*

1 *greater energy efficiency than under a previously de-*
2 *veloped code.”; and*

3 *(2) by adding at the end the following:*

4 *“(18) ASHRAE STANDARD 90.1.—The term*
5 *‘ASHRAE Standard 90.1’ means the American Soci-*
6 *ety of Heating, Refrigerating and Air-Conditioning*
7 *Engineers ANSI/ASHRAE/IES Standard 90/1 En-*
8 *ergy Standard for Buildings Except Low-Rise Resi-*
9 *dential Buildings.*

10 *“(19) COST-EFFECTIVE.—The term ‘cost-effective’*
11 *means having a simple payback of 10 years or less.*

12 *“(20) IECC.—The term ‘IECC’ means the Inter-*
13 *national Energy Conservation Code as published by*
14 *the International Code Council.*

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

19 *“(22) SIMPLE PAYBACK.—The term ‘simple pay-*
20 *back’ means the time in years that is required for en-*
21 *ergy savings to exceed the incremental first cost of a*
22 *new requirement or code.*

23 *“(23) TECHNICALLY FEASIBLE.—The term ‘tech-*
24 *nically feasible’ means capable of being achieved,*

1 *based on widely available appliances, equipment,*
 2 *technologies, materials, and construction practices.”.*

3 **(b) STATE BUILDING ENERGY EFFICIENCY CODES.—**

4 *Section 304 of the Energy Conservation and Production Act*
 5 *(42 U.S.C. 6833) is amended to read as follows:*

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

8 **“(a) IN GENERAL.—***The Secretary shall provide tech-*
 9 *nical assistance, as described in subsection (e), for the pur-*
 10 *poses of—*

11 **“(1) implementation of building energy codes by**
 12 *States, Indian tribes, and, as appropriate, by local*
 13 *governments, that are technically feasible and cost-ef-*
 14 *fective; and*

15 **“(2) supporting full compliance with the State,**
 16 *tribal, and local codes.*

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

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

21 **“(A) IN GENERAL.—***Not later than 3 years*
 22 *after the date on which a model building energy*
 23 *code is published, each State or Indian tribe*
 24 *shall certify whether or not the State or Indian*
 25 *tribe, respectively, has reviewed and updated the*

1 *energy provisions of the building code of the*
2 *State or Indian tribe, respectively.*

3 “(B) *DEMONSTRATION.*—*The certification*
4 *shall include a statement of whether or not the*
5 *energy savings for the code provisions that are in*
6 *effect throughout the State or Indian tribal terri-*
7 *tory meet or exceed—*

8 *“(i) the energy savings of the most re-*
9 *cently published model building energy*
10 *code; or*

11 *“(ii) the targets established under sec-*
12 *tion 307(b)(2).*

13 “(C) *NO MODEL BUILDING ENERGY CODE*
14 *UPDATE.*—*If a model building energy code is not*
15 *updated by a target date established under sec-*
16 *tion 307(b)(2)(D), each State or Indian tribe*
17 *shall, not later than 3 years after the specified*
18 *date, certify whether or not the State or Indian*
19 *tribe, respectively, has reviewed and updated the*
20 *energy provisions of the building code of the*
21 *State or Indian tribe, respectively, to meet or ex-*
22 *ceed the target in section 307(b)(2).*

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

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

4 “(B) determine whether the certification
5 submitted by the State or Indian tribe, respec-
6 tively, is complete; and

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

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

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

14 “(1) *REQUIREMENT.*—

15 “(A) *IN GENERAL.*—Not later than 3 years
16 after the date of a certification under subsection
17 (b), each State and Indian tribe shall certify
18 whether or not the State or Indian tribe, respec-
19 tively, has—

20 “(i) achieved full compliance under
21 paragraph (3) with the applicable certified
22 State or Indian tribe building energy code
23 or with the associated model building en-
24 ergy code; or

1 “(ii) made significant progress under
2 paragraph (4) toward achieving compliance
3 with the applicable certified State or Indian
4 tribe building energy code or with the asso-
5 ciated model building energy code.

6 “(B) REPEAT CERTIFICATIONS.—If the
7 State or Indian tribe certifies progress toward
8 achieving compliance, the State or Indian tribe
9 shall repeat the certification until the State or
10 Indian tribe certifies that the State or Indian
11 tribe has achieved full compliance.

12 “(2) MEASUREMENT OF COMPLIANCE.—A certifi-
13 cation under paragraph (1) shall include documenta-
14 tion of the rate of compliance based on—

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

18 “(B) an alternative method that yields an
19 accurate measure of compliance.

20 “(3) ACHIEVEMENT OF COMPLIANCE.—A State or
21 Indian tribe shall be considered to achieve full com-
22 pliance under paragraph (1) if—

23 “(A) at least 90 percent of building space
24 covered by the code in the preceding year sub-
25 stantially meets all the requirements of the ap-

1 *plicable code specified in paragraph (1), or*
2 *achieves equivalent or greater energy savings*
3 *level; or*

4 *“(B) the estimated excess energy use of*
5 *buildings that did not meet the applicable code*
6 *specified in paragraph (1) in the preceding year,*
7 *compared to a baseline of comparable buildings*
8 *that meet this code, is not more than 5 percent*
9 *of the estimated energy use of all buildings cov-*
10 *ered by this code during the preceding year.*

11 *“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVE-*
12 *MENT OF COMPLIANCE.—A State or Indian tribe shall*
13 *be considered to have made significant progress to-*
14 *ward achieving compliance for purposes of paragraph*
15 *(1) if the State or Indian tribe—*

16 *“(A) has developed and is implementing a*
17 *plan for achieving compliance during the 8-year*
18 *period beginning on the date of enactment of this*
19 *paragraph, including annual targets for compli-*
20 *ance and active training and enforcement pro-*
21 *grams; and*

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

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

4 “(A) *determine whether the State or Indian*
5 *tribe has demonstrated meeting the criteria of*
6 *this subsection, including accurate measurement*
7 *of compliance;*

8 “(B) *determine whether the certification*
9 *submitted by the State or Indian tribe is com-*
10 *plete; and*

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

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

16 “(d) *STATES OR INDIAN TRIBES THAT DO NOT*
17 *ACHIEVE COMPLIANCE.—*

18 “(1) *REPORTING.*—*A State or Indian tribe that*
19 *has not made a certification required under sub-*
20 *section (b) or (c) by the applicable deadline shall sub-*
21 *mit to the Secretary a report on the status of the*
22 *State or Indian tribe with respect to meeting the re-*
23 *quirements and submitting the certification.*

24 “(2) *STATE SOVEREIGNTY.*—*Nothing in this sec-*
25 *tion shall be interpreted to require a State or Indian*

1 *tribe to adopt any building code or provision within*
 2 *a code.*

3 “(3) *LOCAL GOVERNMENT.*—*In any State or In-*
 4 *dian tribe for which the Secretary has not validated*
 5 *a certification under subsection (b) or (c), a local gov-*
 6 *ernment may be eligible for Federal support by meet-*
 7 *ing the certification requirements of subsections (b)*
 8 *and (c).*

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

10 “(A) *IN GENERAL.*—*The Secretary shall an-*
 11 *nually submit to Congress, and publish in the*
 12 *Federal Register, a report on—*

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

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

17 “(iii) *implementation of this section;*
 18 *and*

19 “(iv) *improvements in energy savings*
 20 *over time as a result of the targets estab-*
 21 *lished under section 307(b)(2).*

22 “(B) *IMPACTS.*—*The report shall include es-*
 23 *timates of impacts of past action under this sec-*
 24 *tion, and potential impacts of further action,*
 25 *on—*

1 “(i) *upfront financial and construction*
 2 *costs, cost benefits and returns (using a re-*
 3 *turn on investment analysis), and lifetime*
 4 *energy use for buildings;*

5 “(ii) *resulting energy costs to individ-*
 6 *uals and businesses; and*

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

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

11 “(1) *IN GENERAL.—The Secretary shall, upon re-*
 12 *quest, provide technical assistance to States and In-*
 13 *dian tribes to implement the goals and requirements*
 14 *of this section—*

15 “(A) *to implement State residential and*
 16 *commercial building energy codes; and*

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

19 “(2) *TECHNICAL ASSISTANCE.—The assistance*
 20 *shall include, as requested by the State or Indian*
 21 *tribe, technical assistance in—*

22 “(A) *evaluating the energy savings of build-*
 23 *ing energy codes;*

1 “(B) assessing the economic considerations,
2 referenced in section 307(b)(4), of implementing
3 building energy codes;

4 “(C) building energy analysis and design
5 tools;

6 “(D) energy simulation models;

7 “(E) building demonstrations;

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

12 “(G) complying with a performance-based
13 pathway referenced in the model code.

14 “(3) EXCLUSION.—For purposes of this section,
15 ‘technical assistance’ shall not include actions that
16 promote or discourage the adoption of a particular
17 building energy code, code provision, or energy sav-
18 ings target to a State or Indian tribe.

19 “(4) INFORMATION QUALITY AND TRANS-
20 PARENCY.—For purposes of this section, information
21 provided by the Secretary, attendant to any technical
22 assistance provided to a State or Indian tribe, is ‘in-
23 fluential information’ and shall satisfy the guidelines
24 established by the Office of Management and Budget

1 *and published at 67 Federal Register 8,452 (February*
2 *22, 2002).*

3 *“(f) FEDERAL SUPPORT.—*

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

6 *“(A) to implement the reporting require-*
7 *ments of this section; and*

8 *“(B) to implement residential and commer-*
9 *cial building energy codes, including increasing*
10 *and verifying compliance with the codes and*
11 *training of State, tribal, and local building code*
12 *officials to implement and enforce the codes.*

13 *“(2) EXCLUSION.—Support shall not be given to*
14 *support adoption and implementation of model build-*
15 *ing energy codes for which the Secretary has made a*
16 *determination under section 307(g)(1)(C) that the*
17 *code is not cost-effective.*

18 *“(3) TRAINING.—Support shall be offered to*
19 *States to train State and local building code officials*
20 *to implement and enforce codes described in para-*
21 *graph (1)(B).*

22 *“(4) LOCAL GOVERNMENTS.—States may work*
23 *under this subsection with local governments that im-*
24 *plement and enforce codes described in paragraph*
25 *(1)(B).*

1 “(g) *VOLUNTARY PROGRAMS TO EXCEED MODEL*
2 *BUILDING ENERGY CODE.*—

3 “(1) *IN GENERAL.*—*The Secretary shall provide*
4 *technical assistance, as described in subsection (e), for*
5 *the development of voluntary programs that exceed the*
6 *model building energy codes for residential and com-*
7 *mmercial buildings for use as—*

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

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

12 “(2) *TARGETS.*—*The voluntary programs de-*
13 *scribed in paragraph (1) shall be designed—*

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

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

20 “(h) *STUDIES.*—

21 “(1) *GAO STUDY.*—

22 “(A) *IN GENERAL.*—*The Comptroller Gen-*
23 *eral of the United States shall conduct a study*
24 *of the impacts of updating the national model*
25 *building energy codes for residential and com-*

1 *mercial buildings. In conducting the study, the*
2 *Comptroller General shall consider and report,*
3 *at a minimum—*

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

8 “(ii) *the actual consumer cost savings*
9 *stemming from updated energy codes com-*
10 *pared to predicted consumer cost savings;*
11 *and*

12 “(iii) *an accounting of expenditures of*
13 *the Federal funds under each program au-*
14 *thorized by this title.*

15 “(B) *REPORT TO CONGRESS.—Not later*
16 *than 3 years after the date of enactment of the*
17 *North American Energy Security and Infra-*
18 *structure Act of 2016, the Comptroller General of*
19 *the United States shall submit a report to the*
20 *Committee on Energy and Natural Resources of*
21 *the Senate and the Committee on Energy and*
22 *Commerce of the House of Representatives in-*
23 *cluding the study findings and conclusions.*

24 “(2) *FEASIBILITY STUDY.—The Secretary, in*
25 *consultation with building science experts from the*

1 *National Laboratories and institutions of higher edu-*
2 *cation, designers and builders of energy-efficient resi-*
3 *dential and commercial buildings, code officials, and*
4 *other stakeholders, shall undertake a study of the fea-*
5 *sibility, impact, economics, and merit of—*

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

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

15 *“(C) legislative options for increasing en-*
16 *ergy savings from building energy codes, includ-*
17 *ing additional incentives for effective State and*
18 *local verification of compliance with and enforce-*
19 *ment of a code.*

20 *“(3) ENERGY DATA IN MULTITENANT BUILD-*
21 *INGS.—The Secretary, in consultation with appro-*
22 *prate representatives of the utility, utility regulatory,*
23 *building ownership, and other stakeholders, shall—*

24 *“(A) undertake a study of best practices re-*
25 *garding delivery of aggregated energy consump-*

1 *tion information to owners and managers of res-*
2 *idential and commercial buildings with multiple*
3 *tenants and uses; and*

4 “(B) *consider the development of a memo-*
5 *randum of understanding between and among*
6 *affected stakeholders to reduce barriers to the de-*
7 *livery of aggregated energy consumption infor-*
8 *mation to such owners and managers.*

9 “(i) *EFFECT ON OTHER LAWS.—Nothing in this sec-*
10 *tion or section 307 supersedes or modifies the application*
11 *of sections 321 through 346 of the Energy Policy and Con-*
12 *servation Act (42 U.S.C. 6291 et seq.).*

13 “(j) *FUNDING LIMITATIONS.—No Federal funds shall*
14 *be—*

15 “(1) *used to support actions by the Secretary, or*
16 *States, to promote or discourage the adoption of a*
17 *particular building energy code, code provision, or*
18 *energy saving target to a State or Indian tribe; or*

19 “(2) *provided to private third parties or non-*
20 *governmental organizations to engage in such activi-*
21 *ties.”.*

22 (c) *FEDERAL BUILDING ENERGY EFFICIENCY STAND-*
23 *ARDS.—Section 305 of the Energy Conservation and Pro-*
24 *duction Act (42 U.S.C. 6834) is amended by striking “vol-*

1 *untary building energy code” in subsections (a)(2)(B) and*
2 *(b) and inserting “model building energy code”.*

3 *(d) MODEL BUILDING ENERGY CODES.—*

4 *(1) AMENDMENT.—Section 307 of the Energy*
5 *Conservation and Production Act (42 U.S.C. 6836) is*
6 *amended to read as follows:*

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

8 *“(a) IN GENERAL.—The Secretary shall provide tech-*
9 *nical assistance, as described in subsection (c), for updating*
10 *of model building energy codes.*

11 *“(b) TARGETS.—*

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

15 *“(2) TARGETS.—*

16 *“(A) IN GENERAL.—The Secretary shall*
17 *provide technical assistance to States, Indian*
18 *tribes, local governments, nationally recognized*
19 *code and standards developers, and other inter-*
20 *ested parties for updating of model building en-*
21 *ergy codes by establishing one or more aggregate*
22 *energy savings targets through rulemaking in ac-*
23 *cordance with section 553 of title 5, United*
24 *States Code, to achieve the purposes of this sec-*
25 *tion.*

1 “(B) *SEPARATE TARGETS.*—*Separate tar-*
2 *gets may be established for commercial and resi-*
3 *dential buildings.*

4 “(C) *BASELINES.*—*The baseline for updat-*
5 *ing model building energy codes shall be the*
6 *2009 IECC for residential buildings and*
7 *ASHRAE Standard 90.1–2010 for commercial*
8 *buildings.*

9 “(D) *SPECIFIC YEARS.*—

10 “(i) *IN GENERAL.*—*Targets for specific*
11 *years shall be established and revised by the*
12 *Secretary through rulemaking in accordance*
13 *with section 553 of title 5, United States*
14 *Code, and coordinated with nationally rec-*
15 *ognized code and standards developers at a*
16 *level that—*

17 “(I) *is at the maximum level of*
18 *energy efficiency that is technically*
19 *feasible and cost effective, while ac-*
20 *counting for the economic consider-*
21 *ations under paragraph (4); and*

22 “(II) *promotes the achievement of*
23 *commercial and residential high per-*
24 *formance buildings through high per-*
25 *formance energy efficiency (within the*

1 *meaning of section 401 of the Energy*
2 *Independence and Security Act of 2007*
3 *(42 U.S.C. 17061)).*

4 “(ii) *INITIAL TARGETS.*—Not later
5 *than 1 year after the date of enactment of*
6 *this clause, the Secretary shall establish ini-*
7 *tial targets under this subparagraph.*

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

15 “(E) *SMALL BUSINESS.*—When establishing
16 *targets under this paragraph through rule-*
17 *making, the Secretary shall ensure compliance*
18 *with the Small Business Regulatory Enforcement*
19 *Fairness Act of 1996 (5 U.S.C. 601 note; Public*
20 *Law 104–121) for any indirect economic effect*
21 *on small entities that is reasonably foreseeable*
22 *and a result of such rule.*

23 “(3) *APPLIANCE STANDARDS AND OTHER FAC-*
24 *TORS AFFECTING BUILDING ENERGY USE.*—In estab-
25 *lishing energy savings targets under paragraph (2),*

1 *the Secretary shall develop and adjust the targets in*
2 *recognition of potential savings and costs relating*
3 *to—*

4 “(A) *efficiency gains made in appliances,*
5 *lighting, windows, insulation, and building enve-*
6 *lope sealing;*

7 “(B) *advancement of distributed generation*
8 *and on-site renewable power generation tech-*
9 *nologies;*

10 “(C) *equipment improvements for heating,*
11 *cooling, and ventilation systems and water heat-*
12 *ing systems;*

13 “(D) *building management systems and*
14 *smart grid technologies to reduce energy use; and*

15 “(E) *other technologies, practices, and*
16 *building systems regarding building plug load*
17 *and other energy uses.*

18 *In developing and adjusting the targets, the Secretary*
19 *shall use climate zone weighted averages for equip-*
20 *ment efficiency for heating, cooling, ventilation, and*
21 *water heating systems, using equipment that is actu-*
22 *ally installed.*

23 “(4) *ECONOMIC CONSIDERATIONS.—In estab-*
24 *lishing and revising energy savings targets under*
25 *paragraph (2), the Secretary shall consider the eco-*

1 *conomic feasibility of achieving the proposed targets es-*
 2 *tablished under this section and the potential costs*
 3 *and savings for consumers and building owners, by*
 4 *conducting a return on investment analysis, using a*
 5 *simple payback methodology over a 3-, 5-, and 7-year*
 6 *period. The Secretary shall not propose or provide*
 7 *technical or financial assistance for any code, provi-*
 8 *sion in the code, or energy target, or amendment*
 9 *thereto, that has a payback greater than 10 years.*

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

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

18 *“(2) TECHNICAL ASSISTANCE.—The assistance*
 19 *shall include, as requested by the organizations, tech-*
 20 *nical assistance in—*

21 *“(A) evaluating the energy savings of build-*
 22 *ing energy codes;*

23 *“(B) assessing the economic considerations,*
 24 *under subsection (b)(4), of code or standards pro-*
 25 *posals or revisions;*

1 “(C) building energy analysis and design
2 tools;

3 “(D) energy simulation models;

4 “(E) building demonstrations;

5 “(F) developing definitions of energy use in-
6 tensity and building types for use in model
7 building energy codes to evaluate the efficiency
8 impacts of the model building energy codes;

9 “(G) developing a performance-based path-
10 way for compliance;

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

14 “(I) code development meetings, including
15 through direct Federal employee participation in
16 committee meetings, hearings and online commu-
17 nication, voting, and presenting research and
18 technical or economic analyses during such meet-
19 ings.

20 “(3) EXCLUSION.—Except as provided in para-
21 graph (2)(I), for purposes of this section, ‘technical
22 assistance’ shall not include actions that promote or
23 discourage the adoption of a particular building en-
24 ergy code, code provision, or energy savings target.

1 “(4) *INFORMATION QUALITY AND TRANS-*
2 *PARENCY.—For purposes of this section, information*
3 *provided by the Secretary, attendant to development*
4 *of any energy savings targets, is influential informa-*
5 *tion and shall satisfy the guidelines established by the*
6 *Office of Management and Budget and published at*
7 *67 Federal Register 8,452 (February 22, 2002).*

8 “(d) *AMENDMENT PROPOSALS.—*

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

17 “(2) *PROCESS AND FACTORS.—All amendment*
18 *proposals submitted by the Secretary shall be pub-*
19 *lished in the Federal Register and made available on*
20 *the Department of Energy website 90 days prior to*
21 *any submittal to a code development body, and shall*
22 *be subject to a public comment period of not less than*
23 *60 days. Information provided by the Secretary, at-*
24 *tendant to submission of any amendment proposals,*
25 *is influential information and shall satisfy the guide-*

1 *lines established by the Office of Management and*
2 *Budget and published at 67 Federal Register 8,452*
3 *(February 22, 2002). When calculating the costs and*
4 *benefits of an amendment, the Secretary shall use cli-*
5 *mate zone weighted averages for equipment efficiency*
6 *for heating, cooling, ventilation, and water heating*
7 *systems, using equipment that is actually installed.*

8 “(e) *ANALYSIS METHODOLOGY.*—*The Secretary shall*
9 *make publicly available the entire calculation methodology*
10 *(including input assumptions and data) used by the Sec-*
11 *retary to estimate the energy savings of code or standard*
12 *proposals and revisions.*

13 “(f) *METHODOLOGY DEVELOPMENT.*—*The Secretary*
14 *shall establish a methodology for evaluating cost effective-*
15 *ness of energy code changes in multifamily buildings that*
16 *incorporates economic parameters representative of typical*
17 *multifamily buildings.*

18 “(g) *DETERMINATION.*—

19 “(1) *REVISION OF MODEL BUILDING ENERGY*
20 *CODES.*—*If the provisions of the IECC or ASHRAE*
21 *Standard 90.1 regarding building energy use are re-*
22 *vised, the Secretary shall make a preliminary deter-*
23 *mination not later than 90 days after the date of the*
24 *revision, and a final determination not later than 15*

1 months after the date of the revision, on whether or
2 not the revision—

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

6 “(B) meets the applicable targets under sub-
7 section (b)(2); and

8 “(C) is technically feasible and cost-effec-
9 tive.

10 “(2) CODES OR STANDARDS NOT MEETING CRI-
11 TERIA.—

12 “(A) IN GENERAL.—If the Secretary makes
13 a preliminary determination under paragraph
14 (1)(B) that a revised IECC or ASHRAE Stand-
15 ard 90.1 does not meet the targets established
16 under subsection (b)(2), is not technically fea-
17 sible, or is not cost-effective, the Secretary may
18 at the same time provide technical assistance, as
19 described in subsection (c), to the International
20 Code Council or ASHRAE, as applicable, with
21 proposed changes that would result in a model
22 building energy code or standard that meets the
23 criteria, and with supporting evidence. Proposed
24 changes submitted by the Secretary shall be pub-
25 lished in the Federal Register and made avail-

1 able on the Department of Energy website 90
2 days prior to any submittal to a code develop-
3 ment body, and shall be subject to a public com-
4 ment period of not less than 60 days. Informa-
5 tion provided by the Secretary, attendant to sub-
6 mission of any amendment proposals, is influen-
7 tial information and shall satisfy the guidelines
8 established by the Office of Management and
9 Budget and published at 67 *Federal Register*
10 8,452 (February 22, 2002).

11 “(B) INCORPORATION OF CHANGES.—

12 “(i) IN GENERAL.—On receipt of the
13 technical assistance, as described in sub-
14 section (c), the International Code Council
15 or ASHRAE, as applicable, shall, prior to
16 the Secretary making a final determination
17 under paragraph (1), have an additional
18 270 days to accept or reject the proposed
19 changes made by the Secretary to the model
20 building energy code or standard.

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

1 “(h) *ADMINISTRATION.*—*In carrying out this section,*
2 *the Secretary shall—*

3 “(1) *publish notice of targets, amendment pro-*
4 *posals and supporting analysis and determinations*
5 *under this section in the Federal Register to provide*
6 *an explanation of and the basis for such actions, in-*
7 *cluding any supporting modeling, data, assumptions,*
8 *protocols, and cost-benefit analysis, including return*
9 *on investment;*

10 “(2) *provide an opportunity for public comment*
11 *on targets and supporting analysis and determina-*
12 *tions under this section, in accordance with section*
13 *553 of title 5, United States Code; and*

14 “(3) *provide an opportunity for public comment*
15 *on amendment proposals.*

16 “(i) *VOLUNTARY CODES AND STANDARDS.*—*Not with-*
17 *standing any other provision of this section, any model*
18 *building code or standard established under this section*
19 *shall not be binding on a State, local government, or Indian*
20 *tribe as a matter of Federal law.”.*

21 “(2) *CONFORMING AMENDMENT.*—*The item relat-*
22 *ing to section 307 in the table of contents for the En-*
23 *ergy Conservation and Production Act is amended to*
24 *read as follows:*

“Sec. 307. *Support for model building energy codes.*”.

1 **SEC. 3142. VOLUNTARY NATURE OF BUILDING ASSET RAT-**
 2 **ING PROGRAM.**

3 (a) *IN GENERAL.*—Any program of the Secretary of
 4 Energy that may enable the owner of a commercial building
 5 or a residential building to obtain a rating, score, or label
 6 regarding the actual or anticipated energy usage or per-
 7 formance of a building shall be made available on a vol-
 8 untary, optional, and market-driven basis.

9 (b) *DISCLAIMER AS TO REGULATORY INTENT.*—Infor-
 10 mation disseminated by the Secretary of Energy regarding
 11 the program described in subsection (a), including any in-
 12 formation made available by the Secretary on a website,
 13 shall include language plainly stating that such program
 14 is not developed or intended to be the basis for a regulatory
 15 program by a Federal, State, local, or municipal govern-
 16 ment body.

17 **CHAPTER 5—EPCA TECHNICAL**
 18 **CORRECTIONS AND CLARIFICATIONS**

19 **SEC. 3151. MODIFYING PRODUCT DEFINITIONS.**

20 (a) *AUTHORITY TO MODIFY DEFINITIONS.*—

21 (1) *COVERED PRODUCTS.*—Section 322 of the
 22 Energy Policy and Conservation Act (42 U.S.C.
 23 6292) is amended by adding at the end the following:

24 “(c) *MODIFYING DEFINITIONS OF COVERED PROD-*
 25 *UCTS.*—

1 “(1) *IN GENERAL.*—For any covered product for
2 which a definition is provided in section 321, the Sec-
3 retary may, by rule, unless prohibited herein, modify
4 such definition in order to—

5 “(A) address significant changes in the
6 product or the market occurring since the defini-
7 tion was established; and

8 “(B) better enable improvements in the en-
9 ergy efficiency of the product as part of an en-
10 ergy using system.

11 “(2) *ANTIBACKSLIDING EXEMPTION.*—Section
12 325(o)(1) shall not apply to adjustments to covered
13 product definitions made pursuant to this subsection.

14 “(3) *PROCEDURE FOR MODIFYING DEFINITION.*—

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

20 “(B) *CONSENSUS REQUIRED.*—Any amend-
21 ment to the definition of a covered product under
22 this subsection must have consensus support, as
23 reflected in—

24 “(i) the outcome of negotiations con-
25 ducted in accordance with the subchapter

1 *III of chapter 5 of title 5, United States*
2 *Code (commonly known as the ‘Negotiated*
3 *Rulemaking Act of 1990’); or*

4 *“(ii) the Secretary’s receipt of a state-*
5 *ment that is submitted jointly by interested*
6 *persons that are fairly representative of rel-*
7 *evant points of view (including representa-*
8 *tives of manufacturers of covered products,*
9 *States, and efficiency advocates), as deter-*
10 *mined by the Secretary, which contains a*
11 *recommended modified definition for a cov-*
12 *ered product.*

13 *“(4) EFFECT OF A MODIFIED DEFINITION.—*

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

17 *“(i) the Secretary may establish test*
18 *procedures for such type or class of covered*
19 *product pursuant to section 323 and energy*
20 *conservation standards pursuant to section*
21 *325(l);*

22 *“(ii) the Commission may prescribe la-*
23 *beling rules pursuant to section 324 if the*
24 *Commission determines that labeling in ac-*
25 *cordance with that section is technologically*

1 *and economically feasible and likely to as-*
2 *sist consumers in making purchasing deci-*
3 *sions;*

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

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

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

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

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 defini-
3 tion was established; and

4 “(B) better enable improvements in the en-
5 ergy efficiency of the equipment as part of an en-
6 ergy using system.

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

11 “(3) *PROCEDURE FOR MODIFYING DEFINITION.*—

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

17 “(B) *CONSENSUS REQUIRED.*—Any amend-
18 ment to the definition of a type of covered equip-
19 ment under this subsection must have consensus
20 support, as reflected in—

21 “(i) the outcome of negotiations con-
22 ducted in accordance with the subchapter
23 III of chapter 5 of title 5, *United States*
24 *Code* (commonly known as the ‘*Negotiated*
25 *Rulemaking Act of 1990*’); or

1 “(ii) the Secretary’s receipt of a state-
2 ment that is submitted jointly by interested
3 persons that are fairly representative of rel-
4 evant points of view (including representa-
5 tives of manufacturers of covered equipment,
6 States, and efficiency advocates), as deter-
7 mined by the Secretary, which contains a
8 recommended modified definition for a type
9 of covered equipment.

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

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

14 “(i) the Secretary may establish test
15 procedures for such type or class of covered
16 equipment pursuant to section 343 and en-
17 ergy conservation standards pursuant to
18 section 325(l);

19 “(ii) the Secretary may prescribe label-
20 ing rules pursuant to section 344 if the Sec-
21 retary determines that labeling in accord-
22 ance with that section is technologically and
23 economically feasible and likely to assist
24 purchasers in making purchasing decisions;

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

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

8 “(B) For any type or class of equipment
9 which ceases to be covered equipment pursuant to
10 this subsection the provisions of this part shall
11 no longer apply to the type or class of equip-
12 ment.”.

13 (b) *CONFORMING AMENDMENTS PROVIDING FOR JUDI-*
14 *CIAL REVIEW.—*

15 (1) *Section 336 of the Energy Policy and Con-*
16 *servaion Act (42 U.S.C. 6306) is amended by strik-*
17 *ing “section 323,” each place it appears and inserting*
18 *“section 322, 323,”; and*

19 (2) *Section 345(a)(1) of the Energy Policy and*
20 *Conservation Act (42 U.S.C. 6316(a)(1)) is amended*
21 *to read as follows:*

22 “(1) the references to sections 322, 323, 324, and
23 325 of this Act shall be considered as references to sec-
24 tions 341, 343, 344, and 342 of this Act, respec-
25 tively;”.

1 **SEC. 3152. CLARIFYING RULEMAKING PROCEDURES.**

2 (a) *COVERED PRODUCTS.*—Section 325(p) of the En-
3 *ergy Policy and Conservation Act (42 U.S.C. 6295(p)) is*
4 *amended—*

5 (1) *by redesignating paragraphs (1), (2), (3),*
6 *and (4) as paragraphs (2), (3), (5), and (6), respec-*
7 *tively;*

8 (2) *by inserting before paragraph (2) (as so re-*
9 *designated by paragraph (1) of this subsection) the*
10 *following:*

11 “(1) *The Secretary shall provide an opportunity*
12 *for public input prior to the issuance of a proposed*
13 *rule, seeking information—*

14 “(A) *identifying and commenting on design*
15 *options;*

16 “(B) *on the existence of and opportunities*
17 *for voluntary nonregulatory actions; and*

18 “(C) *identifying significant subgroups of*
19 *consumers and manufacturers that merit anal-*
20 *ysis.”;*

21 (3) *in paragraph (3) (as so redesignated by*
22 *paragraph (1) of this subsection)—*

23 (A) *in subparagraph (C), by striking “and”*
24 *after “adequate;”;*

25 (B) *in subparagraph (D), by striking*
26 *“standard.” and inserting “standard;” and*

1 (C) by adding at the end the following new
2 subparagraphs:

3 “(E) whether the technical and economic
4 analytical assumptions, methods, and models
5 used to justify the standard to be prescribed
6 are—

7 “(i) justified; and

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

10 “(F) the cumulative regulatory impacts on
11 the manufacturers of the product, taking into ac-
12 count—

13 “(i) other government standards affect-
14 ing energy use; and

15 “(ii) other energy conservation stand-
16 ards affecting the same manufacturers.”;

17 and

18 (4) by inserting after paragraph (3) (as so redes-
19 ignated by paragraph (1) of this subsection) the fol-
20 lowing:

21 “(4) *RESTRICTION ON TEST PROCEDURE AMEND-*
22 *MENTS.*—

23 “(A) *IN GENERAL.*—Any proposed energy
24 conservation standards rule shall be based on the
25 final test procedure which shall be used to deter-

1 *mine compliance, and the public comment period*
2 *on the proposed standards shall conclude no*
3 *sooner than 180 days after the date of publica-*
4 *tion of a final rule revising the test procedure.*

5 “(B) *EXCEPTION.*—*The Secretary may pro-*
6 *pose or prescribe an amendment to the test pro-*
7 *cedures issued pursuant to section 323 for any*
8 *type or class of covered product after the*
9 *issuance of a notice of proposed rulemaking to*
10 *prescribe an amended or new energy conserva-*
11 *tion standard for that type or class of covered*
12 *product, but before the issuance of a final rule*
13 *prescribing any such standard, if—*

14 “(i) *the amendments to the test proce-*
15 *dure have consensus support achieved*
16 *through a rulemaking conducted in accord-*
17 *ance with the subchapter III of chapter 5 of*
18 *title 5, United States Code (commonly*
19 *known as the ‘Negotiated Rulemaking Act of*
20 *1990’); or*

21 “(ii) *the Secretary receives a statement*
22 *that is submitted jointly by interested per-*
23 *sons that are fairly representative of rel-*
24 *evant points of view (including representa-*
25 *tives of manufacturers of the type or class*

1 of covered product, States, and efficiency
 2 advocates), as determined by the Secretary,
 3 which contains a recommendation that a
 4 supplemental notice of proposed rulemaking
 5 is not necessary for the type or class of cov-
 6 ered product.”.

7 (b) *CONFORMING AMENDMENT.*—Section 345(b)(1) of
 8 the Energy Policy and Conservation Act (42 U.S.C.
 9 6316(b)(1)) is amended by striking “section 325(p)(4),”
 10 and inserting “section 325(p)(3), (4), and (6).”.

11 **CHAPTER 6—ENERGY AND WATER**

12 **EFFICIENCY**

13 **SEC. 3161. SMART ENERGY AND WATER EFFICIENCY PILOT**

14 **PROGRAM.**

15 (a) *DEFINITIONS.*—In this section:

16 (1) *ELIGIBLE ENTITY.*—The term “eligible enti-
 17 ty” means—

18 (A) a utility;

19 (B) a municipality;

20 (C) a water district; and

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

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

1 (3) *SMART ENERGY AND WATER EFFICIENCY*
2 *PILOT PROGRAM.*—*The term “smart energy and water*
3 *efficiency pilot program” or “pilot program” means*
4 *the pilot program established under subsection (b).*

5 (b) *SMART ENERGY AND WATER EFFICIENCY PILOT*
6 *PROGRAM.*—

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

11 (2) *PURPOSE.*—*The purpose of the smart energy*
12 *and water efficiency pilot program is to award grants*
13 *to eligible entities to demonstrate advanced and inno-*
14 *vative technology-based solutions that will—*

15 (A) *increase and improve the energy effi-*
16 *ciency of water, wastewater, and water reuse sys-*
17 *tems to help communities across the United*
18 *States make significant progress in conserving*
19 *water, saving energy, and reducing costs;*

20 (B) *support the implementation of innova-*
21 *tive processes and the installation of advanced*
22 *automated systems that provide real-time data*
23 *on energy and water; and*

24 (C) *improve energy and water conservation,*
25 *water quality, and predictive maintenance of en-*

1 *ergy and water systems, through the use of Inter-*
2 *net-connected technologies, including sensors, in-*
3 *telligent gateways, and security embedded in*
4 *hardware.*

5 *(3) PROJECT SELECTION.—*

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

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

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

15 *(ii) the innovative nature, commercial*
16 *viability, and reliability of the technology to*
17 *be used;*

18 *(iii) the degree to which the project in-*
19 *tegrates next-generation sensors, software,*
20 *hardware, analytics, and management tools;*

21 *(iv) the anticipated cost effectiveness of*
22 *the pilot project in terms of energy effi-*
23 *ciency savings, water savings or reuse, and*
24 *infrastructure costs averted;*

1 (v) *whether the technology can be de-*
2 *ployed in a variety of geographic regions*
3 *and the degree to which the technology can*
4 *be implemented on a smaller or larger scale,*
5 *including whether the technology can be im-*
6 *plemented by each type of eligible entity;*

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

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

12 (viii) *whether the project will be com-*
13 *pleted in 5 years or less.*

14 (C) *APPLICATIONS.—*

15 (i) *IN GENERAL.—Subject to clause*
16 *(ii), an eligible entity seeking a grant under*
17 *the pilot program shall submit to the Sec-*
18 *retary an application at such time, in such*
19 *manner, and containing such information*
20 *as the Secretary determines to be necessary.*

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

23 (I) *a description of the project;*

24 (II) *a description of the tech-*
25 *nology to be used in the project;*

1 (III) *the anticipated results, in-*
2 *cluding energy and water savings, of*
3 *the project;*

4 (IV) *a comprehensive budget for*
5 *the project;*

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

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

10 (VII) *any other information that*
11 *the Secretary determines to be nec-*
12 *essary to complete the review and selec-*
13 *tion of a grant recipient.*

14 (4) *ADMINISTRATION.—*

15 (A) *IN GENERAL.—Not later than 300 days*
16 *after the date of enactment of this Act, the Sec-*
17 *retary shall select grant recipients under this sec-*
18 *tion.*

19 (B) *EVALUATIONS.—The Secretary shall an-*
20 *nually carry out an evaluation of each project*
21 *for which a grant is provided under this section*
22 *that—*

23 (i) *evaluates the progress and impact*
24 *of the project; and*

1 (ii) assesses the degree to which the
2 project is meeting the goals of the pilot pro-
3 gram.

4 (C) *TECHNICAL AND POLICY ASSISTANCE.*—
5 On the request of a grant recipient, the Secretary
6 shall provide technical and policy assistance to
7 the grant recipient to carry out the project.

8 (D) *BEST PRACTICES.*—The Secretary shall
9 make available to the public—

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

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

15 (E) *REPORT TO CONGRESS.*—The Secretary
16 shall submit to Congress a report containing the
17 results of each evaluation carried out under sub-
18 paragraph (B).

19 (c) *FUNDING.*—To carry out this section, the Secretary
20 is authorized to use not more than \$15,000,000, to the ex-
21 tent provided in advance in appropriation Acts.

22 **SEC. 3162. WATERSENSE.**

23 (a) *IN GENERAL.*—The Energy Policy and Conserva-
24 tion Act (42 U.S.C. 6201 et seq.) is amended by adding
25 after section 324A the following:

1 **“SEC. 324B. WATERSENSE.**2 “(a) *WATERSENSE.*—3 “(1) *IN GENERAL.*—*There is established within*
4 *the Environmental Protection Agency a voluntary*
5 *program, to be entitled ‘WaterSense’, to identify*
6 *water efficient products, buildings, landscapes, facili-*
7 *ties, processes, and services that sensibly—*8 “(A) *reduce water use;*9 “(B) *reduce the strain on public and com-*
10 *munity water systems and wastewater and*
11 *stormwater infrastructure;*12 “(C) *conserve energy used to pump, heat,*
13 *transport, and treat water; and*14 “(D) *preserve water resources for future*
15 *generations, through voluntary labeling of, or*
16 *other forms of communications about, products,*
17 *buildings, landscapes, facilities, processes, and*
18 *services while still meeting strict performance*
19 *criteria.*20 “(2) *DUTIES.*—*The Administrator, coordinating*
21 *as appropriate with the Secretary of Energy, shall—*22 “(A) *establish—*23 “(i) *a WaterSense label to be used for*
24 *items meeting the certification criteria es-*
25 *tablished in this section; and*

1 “(ii) the procedure, including the
2 methods and means, by which an item may
3 be certified to display the WaterSense label;

4 “(B) conduct a public awareness education
5 campaign regarding the WaterSense label;

6 “(C) preserve the integrity of the
7 WaterSense label by—

8 “(i) establishing and maintaining fea-
9 sible performance criteria so that products,
10 buildings, landscapes, facilities, processes,
11 and services labeled with the WaterSense
12 label perform as well or better than less
13 water-efficient counterparts;

14 “(ii) overseeing WaterSense certifi-
15 cations made by third parties;

16 “(iii) using testing protocols, from the
17 appropriate, applicable, and relevant con-
18 sensus standards, for the purpose of deter-
19 mining standards compliance; and

20 “(iv) auditing the use of the
21 WaterSense label in the marketplace and
22 preventing cases of misuse; and

23 “(D) not more often than every six years,
24 review and, if appropriate, update WaterSense
25 criteria for the defined categories of water-effi-

1 *cient product, building, landscape, process, or*
2 *service, including—*

3 “(i) *providing reasonable notice to in-*
4 *terested parties and the public of any such*
5 *changes, including effective dates, and an*
6 *explanation of the changes;*

7 “(ii) *soliciting comments from inter-*
8 *ested parties and the public prior to any*
9 *such changes;*

10 “(iii) *as appropriate, responding to*
11 *comments submitted by interested parties*
12 *and the public; and*

13 “(iv) *providing an appropriate transi-*
14 *tion time prior to the applicable effective*
15 *date of any such changes, taking into ac-*
16 *count the timing necessary for the manufac-*
17 *ture, marketing, training, and distribution*
18 *of the specific water-efficient product, build-*
19 *ing, landscape, process, or service category*
20 *being addressed.*

21 “(b) *USE OF SCIENCE.—In carrying out this section,*
22 *and, to the degree that an agency action is based on science,*
23 *the Administrator shall use—*

1 “(1) *the best available peer-reviewed science and*
2 *supporting studies conducted in accordance with*
3 *sound and objective scientific practices; and*

4 “(2) *data collected by accepted methods or best*
5 *available methods (if the reliability of the method and*
6 *the nature of the decision justify use of the data).*

7 “(c) *DISTINCTION OF AUTHORITIES.—In setting or*
8 *maintaining standards for Energy Star pursuant to section*
9 *324A, and WaterSense under this section, the Secretary and*
10 *Administrator shall coordinate to prevent duplicative or*
11 *conflicting requirements among the respective programs.*

12 “(d) *DEFINITIONS.—In this section:*

13 “(1) *ADMINISTRATOR.—The term ‘Adminis-*
14 *trator’ means the Administrator of the Environ-*
15 *mental Protection Agency.*

16 “(2) *FEASIBLE.—The term ‘feasible’ means fea-*
17 *sible with the use of the best technology, treatment*
18 *techniques, and other means that the Administrator*
19 *finds, after examination for efficacy under field con-*
20 *ditions and not solely under laboratory conditions,*
21 *are available (taking cost into consideration).*

22 “(3) *SECRETARY.—The term ‘Secretary’ means*
23 *the Secretary of Energy.*

24 “(4) *WATER-EFFICIENT PRODUCT, BUILDING,*
25 *LANDSCAPE, PROCESS, OR SERVICE.—The term*

1 ‘water-efficient product, building, landscape, process,
2 or service’ means a product, building, landscape,
3 process, or service for a residence or a commercial or
4 institutional building, or its landscape, that is rated
5 for water efficiency and performance, the covered cat-
6 egories of which are—

7 “(A) irrigation technologies and services;

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

9 “(C) plumbing products;

10 “(D) reuse and recycling technologies;

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

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

16 “(G) new water efficient homes certified
17 under the WaterSense program.”.

18 (b) *CONFORMING AMENDMENT.*—*The table of contents*
19 *for the Energy Policy and Conservation Act (Public Law*
20 *94–163; 42 U.S.C. 6201 et seq.) is amended by inserting*
21 *after the item relating to section 324A the following new*
22 *item:*

“Sec. 324B. *WaterSense.*”.

1 ***Subtitle B—Accountability***
2 ***CHAPTER 1—MARKET MANIPULATION,***
3 ***ENFORCEMENT, AND COMPLIANCE***

4 ***SEC. 3211. FERC OFFICE OF COMPLIANCE ASSISTANCE AND***
5 ***PUBLIC PARTICIPATION.***

6 *Section 319 of the Federal Power Act (16 U.S.C. 825q–*
7 *1) is amended to read as follows:*

8 ***“SEC. 319. OFFICE OF COMPLIANCE ASSISTANCE AND PUB-***
9 ***LIC PARTICIPATION.***

10 *“(a) ESTABLISHMENT.—There is established within*
11 *the Commission an Office of Compliance Assistance and*
12 *Public Participation (referred to in this section as the ‘Of-*
13 *fice’). The Office shall be headed by a Director.*

14 *“(b) DUTIES OF DIRECTOR.—*

15 *“(1) IN GENERAL.—The Director of the Office*
16 *shall promote improved compliance with Commission*
17 *rules and orders by—*

18 *“(A) making recommendations to the Com-*
19 *mission regarding—*

20 *“(i) the protection of consumers;*

21 *“(ii) market integrity and support for*
22 *the development of responsible market be-*
23 *havior;*

1 “(iii) the application of Commission
2 rules and orders in a manner that ensures
3 that—

4 “(I) rates and charges for, or in
5 connection with, the transmission or
6 sale of electric energy subject to the ju-
7 risdiction of the Commission shall be
8 just and reasonable and not unduly
9 discriminatory or preferential; and

10 “(II) markets for such trans-
11 mission and sale of electric energy are
12 not impaired and consumers are not
13 damaged; and

14 “(iv) the impact of existing and pro-
15 posed Commission rules and orders on
16 small entities, as defined in section 601 of
17 title 5, United States Code (commonly
18 known as the Regulatory Flexibility Act);

19 “(B) providing entities subject to regulation
20 by the Commission the opportunity to obtain
21 timely guidance for compliance with Commis-
22 sion rules and orders; and

23 “(C) providing information to the Commis-
24 sion and Congress to inform policy with respect

1 to energy issues under the jurisdiction of the
2 Commission.

3 “(2) *REPORTS AND GUIDANCE.*—The Director
4 shall, as the Director determines appropriate, issue
5 reports and guidance to the Commission and to enti-
6 ties subject to regulation by the Commission, regard-
7 ing market practices, proposing improvements in
8 Commission monitoring of market practices, and ad-
9 dressing potential improvements to both industry and
10 Commission practices.

11 “(3) *OUTREACH.*—The Director shall promote
12 improved compliance with Commission rules and or-
13 ders through outreach, publications, and, where ap-
14 propriate, direct communication with entities regu-
15 lated by the Commission.”.

16 **CHAPTER 2—MARKET REFORMS**

17 **SEC. 3221. GAO STUDY ON WHOLESALE ELECTRICITY MAR-** 18 **KETS.**

19 “(a) *STUDY AND REPORT.*—Not later than 1 year after
20 the date of enactment of this Act, the Comptroller General
21 shall submit to the Committee on Energy and Commerce
22 of the House of Representatives and the Committee on En-
23 ergy and Natural Resources of the Senate a report describ-
24 ing the results of a study of whether and how the current
25 market rules, practices, and structures of each regional

1 *transmission entity produce rates that are just and reason-*
2 *able by—*

3 (1) *facilitating fuel diversity, the availability of*
4 *generation resources during emergency and severe*
5 *weather conditions, resource adequacy, and reli-*
6 *ability, including the cost-effective retention and de-*
7 *velopment of needed generation;*

8 (2) *promoting the equitable treatment of business*
9 *models, including different utility types, the integra-*
10 *tion of diverse generation resources, and advanced*
11 *grid technologies;*

12 (3) *identifying and addressing regulatory bar-*
13 *riers to entry, market-distorting incentives, and arti-*
14 *ficial constraints on competition;*

15 (4) *providing transparency regarding dispatch*
16 *decisions, including the need for out-of-market actions*
17 *and payments, and the accuracy of day-ahead unit*
18 *commitments;*

19 (5) *facilitating the development of necessary nat-*
20 *ural gas pipeline and electric transmission infra-*
21 *structure;*

22 (6) *ensuring fairness and transparency in gov-*
23 *ernance structures and stakeholder processes, includ-*
24 *ing meaningful participation by both voting and non-*
25 *voting stakeholder representatives;*

1 (7) *ensuring the proper alignment of the energy*
2 *and transmission markets by including both energy*
3 *and financial transmission rights in the day-ahead*
4 *markets;*

5 (8) *facilitating the ability of load-serving entities*
6 *to self-supply their service territory load;*

7 (9) *considering, as appropriate, State and local*
8 *resource planning; and*

9 (10) *mitigating, to the extent practicable, the*
10 *disruptive effects of tariff revisions on the economic*
11 *decisionmaking of market participants.*

12 (b) *DEFINITIONS.—In this section:*

13 (1) *LOAD-SERVING ENTITY.—The term “load-*
14 *serving entity” has the meaning given that term in*
15 *section 217 of the Federal Power Act (16 U.S.C.*
16 *824q).*

17 (2) *REGIONAL TRANSMISSION ENTITY.—The term*
18 *“regional transmission entity” means a Regional*
19 *Transmission Organization or an Independent Sys-*
20 *tem Operator, as such terms are defined in section 3*
21 *of the Federal Power Act (16 U.S.C. 796).*

22 **SEC. 3222. CLARIFICATION OF FACILITY MERGER AUTHOR-**
23 **IZATION.**

24 Section 203(a)(1)(B) of the Federal Power Act (16
25 U.S.C. 824b(a)(1)(B)) is amended by striking “such facili-

1 *ties or any part thereof” and inserting “such facilities, or*
 2 *any part thereof, of a value in excess of \$10,000,000”.*

3 **CHAPTER 3—CODE MAINTENANCE**

4 **SEC. 3231. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES**
 5 **STUDY.**

6 (a) *REPEAL.*—*Part I of title III of the Energy Policy*
 7 *and Conservation Act (42 U.S.C. 6373) is repealed.*

8 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 9 *for the Energy Policy and Conservation Act (Public Law*
 10 *94–163; 89 Stat. 871) is amended—*

11 (1) *by striking the item relating to part I of title*
 12 *III; and*

13 (2) *by striking the item relating to section 385.*

14 **SEC. 3232. REPEAL OF METHANOL STUDY.**

15 *Section 400EE of the Energy Policy and Conservation*
 16 *Act (42 U.S.C. 6374d) is amended—*

17 (1) *by striking subsection (a); and*

18 (2) *by redesignating subsections (b) and (c) as*
 19 *subsections (a) and (b), respectively.*

20 **SEC. 3233. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY**
 21 **STANDARDS STUDY.**

22 (a) *REPEAL.*—*Section 253 of the National Energy*
 23 *Conservation Policy Act (42 U.S.C. 8232) is repealed.*

24 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 25 *for the National Energy Conservation Policy Act (Public*

1 *Law 95–619; 92 Stat. 3206) is amended by striking the*
2 *item relating to section 253.*

3 **SEC. 3234. REPEAL OF WEATHERIZATION STUDY.**

4 (a) *REPEAL.*—Section 254 of the National Energy
5 Conservation Policy Act (42 U.S.C. 8233) is repealed.

6 (b) *CONFORMING AMENDMENT.*—The table of contents
7 for the National Energy Conservation Policy Act (Public
8 Law 95–619; 92 Stat. 3206) is amended by striking the
9 item relating to section 254.

10 **SEC. 3235. REPEAL OF REPORT TO CONGRESS.**

11 (a) *REPEAL.*—Section 273 of the National Energy
12 Conservation Policy Act (42 U.S.C. 8236b) is repealed.

13 (b) *CONFORMING AMENDMENT.*—The table of contents
14 for the National Energy Conservation Policy Act (Public
15 Law 95–619; 92 Stat. 3206) is amended by striking the
16 item relating to section 273.

17 **SEC. 3236. REPEAL OF REPORT BY GENERAL SERVICES AD-**
18 **MINISTRATION.**

19 (a) *REPEAL.*—Section 154 of the Energy Policy Act
20 of 1992 (42 U.S.C. 8262a) is repealed.

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) *The table of contents for the Energy Policy*
23 *Act of 1992 (Public Law 102–486; 106 Stat. 2776) is*
24 *amended by striking the item relating to section 154.*

1 (2) *Section 159 of the Energy Policy Act of 1992*
2 *(42 U.S.C. 8262e) is amended by striking subsection*
3 *(c).*

4 **SEC. 3237. REPEAL OF INTERGOVERNMENTAL ENERGY MAN-**
5 **AGEMENT PLANNING AND COORDINATION**
6 **WORKSHOPS.**

7 (a) *REPEAL.*—*Section 156 of the Energy Policy Act*
8 *of 1992 (42 U.S.C. 8262b) is repealed.*

9 (b) *CONFORMING AMENDMENT.*—*The table of contents*
10 *for the Energy Policy Act of 1992 (Public Law 102–486;*
11 *106 Stat. 2776) is amended by striking the item relating*
12 *to section 156.*

13 **SEC. 3238. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY**
14 **AND PRESIDENT’S COUNCIL ON INTEGRITY**
15 **AND EFFICIENCY REPORT TO CONGRESS.**

16 (a) *REPEAL.*—*Section 160 of the Energy Policy Act*
17 *of 1992 (42 U.S.C. 8262f) is amended by striking the sec-*
18 *tion designation and heading and all that follows through*
19 *“(c) INSPECTOR GENERAL REVIEW.—Each Inspector Gen-*
20 *eral” and inserting the following:*

21 **“SEC. 160. INSPECTOR GENERAL REVIEW.**

22 *“Each Inspector General”.*

23 (b) *CONFORMING AMENDMENT.*—*The table of contents*
24 *for the Energy Policy Act of 1992 (Public Law 102–486;*

1 106 Stat. 2776) is amended by striking the item relating
 2 to section 160 and inserting the following:

“Sec. 160. Inspector General review.”.

3 **SEC. 3239. REPEAL OF PROCUREMENT AND IDENTIFICA-**
 4 **TION OF ENERGY EFFICIENT PRODUCTS PRO-**
 5 **GRAM.**

6 (a) *REPEAL.*—Section 161 of the Energy Policy Act
 7 of 1992 (42 U.S.C. 8262g) is repealed.

8 (b) *CONFORMING AMENDMENT.*—The table of contents
 9 for the Energy Policy Act of 1992 (Public Law 102–486;
 10 106 Stat. 2776) is amended by striking the item relating
 11 to section 161.

12 **SEC. 3240. REPEAL OF NATIONAL ACTION PLAN FOR DE-**
 13 **MAND RESPONSE.**

14 (a) *REPEAL.*—Part 5 of title V of the National Energy
 15 Conservation Policy Act (42 U.S.C. 8279) is repealed.

16 (b) *CONFORMING AMENDMENT.*—The table of contents
 17 for the National Energy Conservation Policy Act (Public
 18 Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is amended—

19 (1) by striking the item relating to part 5 of title
 20 V; and

21 (2) by striking the item relating to section 571.

22 **SEC. 3241. REPEAL OF NATIONAL COAL POLICY STUDY.**

23 (a) *REPEAL.*—Section 741 of the Powerplant and In-
 24 dustrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

1 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 2 *for the Powerplant and Industrial Fuel Use Act of 1978*
 3 *(Public Law 95–620; 92 Stat. 3289) is amended by striking*
 4 *the item relating to section 741.*

5 **SEC. 3242. REPEAL OF STUDY ON COMPLIANCE PROBLEM**
 6 **OF SMALL ELECTRIC UTILITY SYSTEMS.**

7 (a) *REPEAL.*—*Section 744 of the Powerplant and In-*
 8 *dustrial Fuel Use Act of 1978 (42 U.S.C. 8454) is repealed.*

9 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 10 *for the Powerplant and Industrial Fuel Use Act of 1978*
 11 *(Public Law 95–620; 92 Stat. 3289) is amended by striking*
 12 *the item relating to section 744.*

13 **SEC. 3243. REPEAL OF STUDY OF SOCIOECONOMIC IMPACTS**
 14 **OF INCREASED COAL PRODUCTION AND**
 15 **OTHER ENERGY DEVELOPMENT.**

16 (a) *REPEAL.*—*Section 746 of the Powerplant and In-*
 17 *dustrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.*

18 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 19 *for the Powerplant and Industrial Fuel Use Act of 1978*
 20 *(Public Law 95–620; 92 Stat. 3289) is amended by striking*
 21 *the item relating to section 746.*

22 **SEC. 3244. REPEAL OF STUDY OF THE USE OF PETROLEUM**
 23 **AND NATURAL GAS IN COMBUSTORS.**

24 (a) *REPEAL.*—*Section 747 of the Powerplant and In-*
 25 *dustrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.*

1 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 2 *for the Powerplant and Industrial Fuel Use Act of 1978*
 3 *(Public Law 95–620; 92 Stat. 3289) is amended by striking*
 4 *the item relating to section 747.*

5 **SEC. 3245. REPEAL OF SUBMISSION OF REPORTS.**

6 (a) *REPEAL.*—*Section 807 of the Powerplant and In-*
 7 *dustrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.*

8 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 9 *for the Powerplant and Industrial Fuel Use Act of 1978*
 10 *(Public Law 95–620; 92 Stat. 3289) is amended by striking*
 11 *the item relating to section 807.*

12 **SEC. 3246. REPEAL OF ELECTRIC UTILITY CONSERVATION**
 13 **PLAN.**

14 (a) *REPEAL.*—*Section 808 of the Powerplant and In-*
 15 *dustrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.*

16 (b) *CONFORMING AMENDMENTS.*—

17 (1) *TABLE OF CONTENTS.*—*The table of contents*
 18 *for the Powerplant and Industrial Fuel Use Act of*
 19 *1978 (Public Law 95–620; 92 Stat. 3289) is amended*
 20 *by striking the item relating to section 808.*

21 (2) *REPORT ON IMPLEMENTATION.*—*Section 712*
 22 *of the Powerplant and Industrial Fuel Use Act of*
 23 *1978 (42 U.S.C. 8422) is amended—*

24 (A) *by striking “(a) GENERALLY.—”;* and

25 (B) *by striking subsection (b).*

1 **SEC. 3247. TECHNICAL AMENDMENT TO POWERPLANT AND**
 2 **INDUSTRIAL FUEL USE ACT OF 1978.**

3 *The table of contents for the Powerplant and Indus-*
 4 *trial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat.*
 5 *3289) is amended by striking the item relating to section*
 6 *742.*

7 **SEC. 3248. EMERGENCY ENERGY CONSERVATION REPEALS.**

8 *(a) REPEALS.—*

9 *(1) Section 201 of the Emergency Energy Con-*
 10 *servation Act of 1979 (42 U.S.C. 8501) is amended—*

11 *(A) in the section heading, by striking*
 12 **“FINDINGS AND”;**

13 *(B) by striking subsection (a); and*

14 *(C) by striking “(b) PURPOSES.—”.*

15 *(2) Section 221 of the Emergency Energy Con-*
 16 *servation Act of 1979 (42 U.S.C. 8521) is repealed.*

17 *(3) Section 222 of the Emergency Energy Con-*
 18 *servation Act of 1979 (42 U.S.C. 8522) is repealed.*

19 *(4) Section 241 of the Emergency Energy Con-*
 20 *servation Act of 1979 (42 U.S.C. 8531) is repealed.*

21 *(b) CONFORMING AMENDMENT.—The table of contents*
 22 *for the Emergency Energy Conservation Act of 1979 (Public*
 23 *Law 96–102; 93 Stat. 749) is amended—*

24 *(1) by striking the item relating to section 201*
 25 *and inserting the following:*

“Sec. 201. Purposes.”; and

1 (2) *by striking the items relating to sections 221,*
2 *222, and 241.*

3 **SEC. 3249. REPEAL OF STATE UTILITY REGULATORY ASSIST-**
4 **ANCE.**

5 (a) *REPEAL.*—*Section 207 of the Energy Conservation*
6 *and Production Act (42 U.S.C. 6807) is repealed.*

7 (b) *CONFORMING AMENDMENT.*—*The table of contents*
8 *for the Energy Conservation and Production Act (Public*
9 *Law 94–385; 90 Stat. 1125) is amended by striking the*
10 *item relating to section 207.*

11 **SEC. 3250. REPEAL OF SURVEY OF ENERGY SAVING POTEN-**
12 **TIAL.**

13 (a) *REPEAL.*—*Section 550 of the National Energy*
14 *Conservation Policy Act (42 U.S.C. 8258b) is repealed.*

15 (b) *CONFORMING AMENDMENTS.*—

16 (1) *The table of contents for the National Energy*
17 *Conservation Policy Act (Public Law 95–619; 92*
18 *Stat. 3206; 106 Stat. 2851) is amended by striking*
19 *the item relating to section 550.*

20 (2) *Section 543(d)(2) of the National Energy*
21 *Conservation Policy Act (42 U.S.C. 8253(d)(2)) is*
22 *amended by striking “, incorporating any relevant*
23 *information obtained from the survey conducted pur-*
24 *suant to section 550”.*

1 **SEC. 3251. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.**

2 (a) *REPEAL.*—Part 4 of title V of the National Energy
3 Conservation Policy Act (42 U.S.C. 8271 et seq.) is re-
4 pealed.

5 (b) *CONFORMING AMENDMENTS.*—The table of contents
6 for the National Energy Conservation Policy Act (Public
7 Law 95–619; 92 Stat. 3206) is amended—

8 (1) by striking the item relating to part 4 of title
9 V; and

10 (2) by striking the items relating to sections 561
11 through 570.

12 **SEC. 3252. REPEAL OF ENERGY AUDITOR TRAINING AND**
13 **CERTIFICATION.**

14 (a) *REPEAL.*—Subtitle F of title V of the Energy Secu-
15 rity Act (42 U.S.C. 8285 et seq.) is repealed.

16 (b) *CONFORMING AMENDMENT.*—The table of contents
17 for the Energy Security Act (Public Law 96–294; 94 Stat.
18 611) is amended by striking the items relating to subtitle
19 F of title V.

20 **CHAPTER 4—AUTHORIZATION**

21 **SEC. 3261 AUTHORIZATION.**

22 *There are authorized to be appropriated, out of funds*
23 *authorized under previously enacted laws, amounts re-*
24 *quired for carrying out this division and the amendments*
25 *made by this division.*

1 **TITLE IV—CHANGING CRUDE OIL**
2 **MARKET CONDITIONS**

3 **SEC. 4001. FINDINGS.**

4 *The Congress finds the following:*

5 (1) *The United States has enjoyed a renaissance*
6 *in energy production, establishing the United States*
7 *as the world's leading oil producer.*

8 (2) *By authorizing crude oil exports, the Con-*
9 *gress can spur domestic energy production, create and*
10 *preserve jobs, help maintain and strengthen our inde-*
11 *pendent shipping fleet that is essential to national de-*
12 *fense, and generate State and Federal revenues.*

13 (3) *An energy-secure United States that is a net*
14 *exporter of energy has the potential to transform the*
15 *security environment around the world, notably in*
16 *Europe and the Middle East.*

17 (4) *For our European allies and Israel, the pres-*
18 *ence of more United States oil in the market will offer*
19 *more secure supply options, which will strengthen*
20 *United States strategic alliances and help curtail the*
21 *use of energy as a political weapon.*

22 (5) *The 60-ship Maritime Security Fleet is a*
23 *vital element of our military's strategic sealift and*
24 *global response capability. It assures United States-*
25 *flag ships and United States crews will be available*

1 *to support the United States military when it needs*
2 *to mobilize to protect our allies, and is the most pru-*
3 *dent and economical solution to meet current and*
4 *projected sealift requirements for the United States.*

5 *(6) The Maritime Security Fleet program pro-*
6 *vides a labor base of skilled American mariners who*
7 *are available to crew the United States Government-*
8 *owned strategic sealift fleet, as well as the United*
9 *States commercial fleet, in both peace and war.*

10 *(7) The United States has reduced its oil con-*
11 *sumption over the past decade, and increasing invest-*
12 *ment in clean energy technology and energy efficiency*
13 *will lower energy prices, reduce greenhouse gas emis-*
14 *sions, and increase national security.*

15 **SEC. 4002. REPEAL.**

16 *Section 103 of the Energy Policy and Conservation Act*
17 *(42 U.S.C. 6212) and the item relating thereto in the table*
18 *of contents of that Act are repealed.*

19 **SEC. 4003. NATIONAL POLICY ON OIL EXPORT RESTRIC-**
20 **TIONS.**

21 *Notwithstanding any other provision of law, to pro-*
22 *mote the efficient exploration, production, storage, supply,*
23 *marketing, pricing, and regulation of energy resources, in-*
24 *cluding fossil fuels, no official of the Federal Government*

1 *shall impose or enforce any restriction on the export of*
2 *crude oil.*

3 **SEC. 4004. STUDIES.**

4 (a) *GREENHOUSE GAS EMISSIONS.*—*Not later than*
5 *120 days after the date of enactment of this Act, the Sec-*
6 *retary of Energy shall conduct, and transmit to the Com-*
7 *mittee on Energy and Commerce of the House of Represent-*
8 *atives and the Committee on Energy and Natural Resources*
9 *of the Senate the results of, a study on the net greenhouse*
10 *gas emissions that will result from the repeal of the crude*
11 *oil export ban under section 4002.*

12 (b) *CRUDE OIL EXPORT STUDY.*—

13 (1) *IN GENERAL.*—*The Department of Com-*
14 *merce, in consultation with the Department of En-*
15 *ergy, and other departments as appropriate, shall*
16 *conduct a study of the State and national implica-*
17 *tions of lifting the crude oil export ban with respect*
18 *to consumers and the economy.*

19 (2) *CONTENTS.*—*The study conducted under*
20 *paragraph (1) shall include an analysis of—*

21 (A) *the economic impact that exporting*
22 *crude oil will have on the economy of the United*
23 *States;*

1 (B) the economic impact that exporting
2 crude oil will have on consumers, taking into ac-
3 count impacts on energy prices;

4 (C) the economic impact that exporting
5 crude oil will have on domestic manufacturing,
6 taking into account impacts on employment; and

7 (D) the economic impact that exporting
8 crude oil will have on the refining sector, taking
9 into account impacts on employment.

10 (3) *REPORT TO CONGRESS.*—Not later than 1
11 year after the date of enactment of this Act, the Bu-
12 reau of Industry and Security shall submit to Con-
13 gress a report containing the results of the study con-
14 ducted under paragraph (1).

15 **SEC. 4005. SAVINGS CLAUSE.**

16 Nothing in this title limits the authority of the Presi-
17 dent under the Constitution, the International Emergency
18 Economic Powers Act (50 U.S.C. 1701 et seq.), the National
19 Emergencies Act (50 U.S.C. 1601 et seq.), part B of title
20 II of the Energy Policy and Conservation Act (42 U.S.C.
21 6271 et seq.), the Trading With the Enemy Act (50 U.S.C.
22 App. 1 et seq.), or any other provision of law that imposes
23 sanctions on a foreign person or foreign government (in-
24 cluding any provision of law that prohibits or restricts
25 United States persons from engaging in a transaction with

1 *a sanctioned person or government), including a foreign*
2 *government that is designated as a state sponsor of ter-*
3 *rorism, to prohibit exports.*

4 **SEC. 4006. PARTNERSHIPS WITH MINORITY SERVING INSTI-**
5 **TUTIONS.**

6 (a) *IN GENERAL.*—*The Department of Energy shall*
7 *continue to develop and broaden partnerships with minor-*
8 *ity serving institutions, including Hispanic Serving Insti-*
9 *tutions (HSI) and Historically Black Colleges and Univer-*
10 *sities (HBCUs) in the areas of oil and gas exploration, pro-*
11 *duction, midstream, and refining.*

12 (b) *PUBLIC-PRIVATE PARTNERSHIPS.*—*The Depart-*
13 *ment of Energy shall encourage public-private partnerships*
14 *between the energy sector and minority serving institutions,*
15 *including Hispanic Serving Institutions and Historically*
16 *Black Colleges and Universities.*

17 **SEC. 4007. REPORT.**

18 *Not later than 10 years after the date of enactment*
19 *of this Act, the Secretary of Energy and the Secretary of*
20 *Commerce shall jointly transmit to Congress a report that*
21 *reviews the impact of lifting the oil export ban under this*
22 *title as it relates to promoting United States energy and*
23 *national security.*

1 **SEC. 4008. REPORT TO CONGRESS.**

2 *Not later than 180 days after the date of enactment*
 3 *of this Act, the Secretary of Energy and the Secretary of*
 4 *Commerce shall jointly transmit to Congress a report ana-*
 5 *lyzing how lifting the ban on crude oil exports will help*
 6 *create opportunities for veterans and women in the United*
 7 *States, while promoting energy and national security.*

8 **SEC. 4009. PROHIBITION ON EXPORTS OF CRUDE OIL, RE-**
 9 **FINED PETROLEUM PRODUCTS, AND PETRO-**
 10 **CHEMICAL PRODUCTS TO THE ISLAMIC RE-**
 11 **PUBLIC OF IRAN.**

12 *Nothing in this title shall be construed to authorize*
 13 *the export of crude oil, refined petroleum products, and pe-*
 14 *trochemical products by or through any entity or person,*
 15 *wherever located, subject to the jurisdiction of the United*
 16 *States to any entity or person located in, subject to the ju-*
 17 *risdiction of, or sponsored by the Islamic Republic of Iran.*

18 **TITLE V—OTHER MATTERS**

19 **SEC. 5001. ASSESSMENT OF REGULATORY REQUIREMENTS.**

20 *(a) IN GENERAL.—Not later than 30 days after the*
 21 *date of enactment of this Act, the Administrator of the En-*
 22 *vironmental Protection Agency shall ensure that the re-*
 23 *quirements described in subsection (b) are satisfied.*

24 *(b) REQUIREMENTS.—The Administrator shall sat-*
 25 *isfy—*

1 (1) *section 4 of Executive Order No. 12866 (5*
2 *U.S.C. 601 note) (relating to regulatory planning and*
3 *review) and Executive Order No. 13563 (5 U.S.C. 601*
4 *note) (relating to improving regulation and regu-*
5 *latory review) (or any successor Executive order es-*
6 *tablishing requirements applicable to the uniform re-*
7 *porting of regulatory and deregulatory agendas);*

8 (2) *section 602 of title 5, United States Code;*

9 (3) *section 8 of Executive Order No. 13132 (5*
10 *U.S.C. 601 note) (relating to federalism); and*

11 (4) *section 202(a) of the Unfunded Mandates Re-*
12 *form Act of 1995 (2 U.S.C. 1532(a)).*

13 **SEC. 5002. DEFINITIONS.**

14 *In this title:*

15 (1) *COVERED CIVIL ACTION.—The term “covered*
16 *civil action” means a civil action containing a claim*
17 *under section 702 of title 5, United States Code, re-*
18 *garding agency action (as defined for the purposes of*
19 *that section) affecting a covered energy project on*
20 *Federal land.*

21 (2) *COVERED ENERGY PROJECT.—*

22 (A) *IN GENERAL.—The term “covered en-*
23 *ergy project” means—*

24 (i) *the leasing of Federal land for the*
25 *exploration, development, production, proc-*

1 *essing, or transmission of oil, natural gas,*
 2 *coal, geothermal, hydroelectric, biomass,*
 3 *solar, or any other source of energy; and*

4 *(ii) any action under the lease.*

5 *(B) EXCLUSION.—The term “covered energy*
 6 *project” does not include any dispute between the*
 7 *parties to a lease regarding the obligations under*
 8 *the lease, including any alleged breach of the*
 9 *lease.*

10 **SEC. 5003. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
 11 **RELATING TO COVERED ENERGY PROJECTS.**

12 *Venue for any covered civil action shall lie in the*
 13 *United States district court in which the covered energy*
 14 *project or lease exists or is proposed.*

15 **SEC. 5004. TIMELY FILING.**

16 *To ensure timely redress by the courts, a covered civil*
 17 *action shall be filed not later than the end of the 90-day*
 18 *period beginning on the date of the final Federal agency*
 19 *action to which the covered civil action relates.*

20 **SEC. 5005. EXPEDITION IN HEARING AND DETERMINING**
 21 **THE ACTION.**

22 *The court shall endeavor to hear and determine any*
 23 *covered civil action as expeditiously as practicable.*

1 **SEC. 5006. LIMITATION ON INJUNCTION AND PROSPECTIVE**
2 **RELIEF.**

3 (a) *IN GENERAL.*—*In a covered civil action, a court*
4 *shall not grant or approve any prospective relief unless the*
5 *court finds that the relief—*

6 (1) *is narrowly drawn;*

7 (2) *extends no further than necessary to correct*
8 *the violation of a legal requirement; and*

9 (3) *is the least intrusive means necessary to cor-*
10 *rect the violation.*

11 (b) *DURATION.*—

12 (1) *IN GENERAL.*—*A court shall limit the dura-*
13 *tion of preliminary injunctions to halt covered energy*
14 *projects to not more than 60 days, unless the court*
15 *finds clear reasons to extend the injunction.*

16 (2) *ADMINISTRATION.*—*In the case of an exten-*
17 *sion, the extension shall—*

18 (A) *only be in 30-day increments; and*

19 (B) *require action by the court to renew the*
20 *injunction.*

21 (c) *IN GENERAL.*—*Sections 504 of title 5 and 2412*
22 *of title 28, United States Code (commonly known as the*
23 *“Equal Access to Justice Act”), shall not apply to a covered*
24 *civil action.*

25 (d) *COURT COSTS.*—*A party to a covered civil action*
26 *shall not receive payment from the Federal Government for*

1 *the attorneys' fees, expenses, or other court costs incurred*
2 *by the party.*

3 **SEC. 5007. LEGAL STANDING.**

4 *A challenger that files an appeal with the Department*
5 *of the Interior Board of Land Appeals shall meet the same*
6 *standing requirements as a challenger before a United*
7 *States district court.*

8 **SEC. 5008. STUDY TO IDENTIFY LEGAL AND REGULATORY**
9 **BARRIERS THAT DELAY, PROHIBIT, OR IM-**
10 **PEDE THE EXPORT OF NATURAL ENERGY RE-**
11 **SOURCES.**

12 *Not later than 1 year after the date of enactment of*
13 *this Act, the Secretary of Energy and the Secretary of Com-*
14 *merce shall jointly transmit to the Committee on Energy*
15 *and Commerce and the Committee on Natural Resources*
16 *of the House of Representatives, and the Committee on Com-*
17 *merce, Science, and Transportation and the Committee on*
18 *Energy and Natural Resources of the Senate, the results of*
19 *a study to—*

20 *(1) identify legal and regulatory barriers that*
21 *delay, prohibit, or impede the export of natural en-*
22 *ergy resources, including government and technical*
23 *(physical or market) barriers that hinder coal, nat-*
24 *ural gas, oil, and other energy exports; and*

1 (2) *estimate the economic impacts of such bar-*
2 *riers.*

3 **SEC. 5009. STUDY OF VOLATILITY OF CRUDE OIL.**

4 *Not later than 1 year after the date of enactment of*
5 *this Act, the Secretary of Energy shall transmit to Congress*
6 *the results of a study to determine the maximum level of*
7 *volatility that is consistent with the safest practicable ship-*
8 *ment of crude oil by rail.*

9 **SEC. 5010. SMART METER PRIVACY RIGHTS.**

10 (a) *ELECTRICAL CORPORATION OR GAS CORPORA-*
11 *TIONS.—*

12 (1) *For purposes of this section, “electrical or gas*
13 *consumption data” means data about a customer’s*
14 *electrical or natural gas usage that is made available*
15 *as part of an advanced metering infrastructure, and*
16 *includes the name, account number, or residence of*
17 *the customer.*

18 (2)(A) *An electrical corporation or gas corpora-*
19 *tion shall not share, disclose, or otherwise make acces-*
20 *sible to any third party a customer’s electrical or gas*
21 *consumption data, except as provided in subsection*
22 *(a)(5) or upon the consent of the customer.*

23 (B) *An electrical corporation or gas corporation*
24 *shall not sell a customer’s electrical or gas consump-*

1 *tion data or any other personally identifiable infor-*
2 *mation for any purpose.*

3 *(C) The electrical corporation or gas corporation*
4 *or its contractors shall not provide an incentive or*
5 *discount to the customer for accessing the customer's*
6 *electrical or gas consumption data without the prior*
7 *consent of the customer.*

8 *(D) An electrical or gas corporation that utilizes*
9 *an advanced metering infrastructure that allows a*
10 *customer to access the customer's electrical and gas*
11 *consumption data shall ensure that the customer has*
12 *an option to access that data without being required*
13 *to agree to the sharing of his or her personally identi-*
14 *fiable information, including electrical or gas con-*
15 *sumption data, with a third party.*

16 *(3) If an electrical corporation or gas corpora-*
17 *tion contracts with a third party for a service that*
18 *allows a customer to monitor his or her electricity or*
19 *gas usage, and that third party uses the data for a*
20 *secondary commercial purpose, the contract between*
21 *the electrical corporation or gas corporation and the*
22 *third party shall provide that the third party promi-*
23 *nently discloses that secondary commercial purpose to*
24 *the customer.*

1 (4) *An electrical corporation or gas corporation*
2 *shall use reasonable security procedures and practices*
3 *to protect a customer's unencrypted electrical or gas*
4 *consumption data from unauthorized access, destruc-*
5 *tion, use, modification, or disclosure.*

6 (5)(A) *Nothing in this section shall preclude an*
7 *electrical corporation or gas corporation from using*
8 *customer aggregate electrical or gas consumption data*
9 *for analysis, reporting, or program management if all*
10 *information has been removed regarding the indi-*
11 *vidual identity of a customer.*

12 (B) *Nothing in this section shall preclude an*
13 *electrical corporation or gas corporation from dis-*
14 *closing a customer's electrical or gas consumption*
15 *data to a third party for system, grid, or operational*
16 *needs, or the implementation of demand response, en-*
17 *ergy management, or energy efficiency programs, pro-*
18 *vided that, for contracts entered into after January 1,*
19 *2016, the utility has required by contract that the*
20 *third party implement and maintain reasonable secu-*
21 *rity procedures and practices appropriate to the na-*
22 *ture of the information, to protect the personal infor-*
23 *mation from unauthorized access, destruction, use,*
24 *modification, or disclosure, and prohibits the use of*
25 *the data for a secondary commercial purpose not re-*

1 *lated to the primary purpose of the contract without*
2 *the customer's consent.*

3 *(C) Nothing in this section shall preclude an*
4 *electrical corporation or gas corporation from dis-*
5 *closing electrical or gas consumption data as required*
6 *or permitted under State or Federal law or by an*
7 *order of a State public utility commission.*

8 *(6) If a customer chooses to disclose his or her*
9 *electrical or gas consumption data to a third party*
10 *that is unaffiliated with, and has no other business*
11 *relationship with, the electrical or gas corporation,*
12 *the electrical or gas corporation shall not be respon-*
13 *sible for the security of that data, or its use or misuse.*

14 *(b) LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.—*

15 *(1) For purposes of this section, "electrical con-*
16 *sumption data" means data about a customer's elec-*
17 *trical usage that is made available as part of an ad-*
18 *vanced metering infrastructure, and includes the*
19 *name, account number, or residence of the customer.*

20 *(2)(A) A local publicly owned electric utility*
21 *shall not share, disclose, or otherwise make accessible*
22 *to any third party a customer's electrical consump-*
23 *tion data, except as provided in subsection (b) (5) or*
24 *upon the consent of the customer.*

1 (B) A local publicly owned electric utility shall
2 not sell a customer's electrical consumption data or
3 any other personally identifiable information for any
4 purpose.

5 (C) The local publicly owned electric utility or
6 its contractors shall not provide an incentive or dis-
7 count to the customer for accessing the customer's elec-
8 trical consumption data without the prior consent of
9 the customer.

10 (D) A local publicly owned electric utility that
11 utilizes an advanced metering infrastructure that al-
12 lows a customer to access the customer's electrical con-
13 sumption data shall ensure that the customer has an
14 option to access that data without being required to
15 agree to the sharing of his or her personally identifi-
16 able information, including electrical consumption
17 data, with a third party.

18 (3) If a local publicly owned electric utility con-
19 tracts with a third party for a service that allows a
20 customer to monitor his or her electricity usage, and
21 that third party uses the data for a secondary com-
22 mercial purpose, the contract between the local pub-
23 licly owned electric utility and the third party shall
24 provide that the third party prominently discloses
25 that secondary commercial purpose to the customer.

1 (4) *A local publicly owned electric utility shall*
2 *use reasonable security procedures and practices to*
3 *protect a customer's unencrypted electrical consump-*
4 *tion data from unauthorized access, destruction, use,*
5 *modification, or disclosure, and prohibits the use of*
6 *the data for a secondary commercial purpose not re-*
7 *lated to the primary purpose of the contract without*
8 *the customer's consent.*

9 (5)(A) *Nothing in this section shall preclude a*
10 *local publicly owned electric utility from using cus-*
11 *tomers aggregate electrical consumption data for anal-*
12 *ysis, reporting, or program management if all infor-*
13 *mation has been removed regarding the individual*
14 *identity of a customer.*

15 (B) *Nothing in this section shall preclude a local*
16 *publicly owned electric utility from disclosing a cus-*
17 *tomers electrical consumption data to a third party*
18 *for system, grid, or operational needs, or the imple-*
19 *mentation of demand response, energy management,*
20 *or energy efficiency programs, provided, for contracts*
21 *entered into after January 1, 2016, that the utility*
22 *has required by contract that the third party imple-*
23 *ment and maintain reasonable security procedures*
24 *and practices appropriate to the nature of the infor-*
25 *mation, to protect the personal information from un-*

1 *authorized access, destruction, use, modification, or*
2 *disclosure.*

3 *(C) Nothing in this section shall preclude a local*
4 *publicly owned electric utility from disclosing elec-*
5 *trical consumption data as required under State or*
6 *Federal law.*

7 *(6) If a customer chooses to disclose his or her*
8 *electrical consumption data to a third party that is*
9 *unaffiliated with, and has no other business relation-*
10 *ship with, the local publicly owned electric utility, the*
11 *utility shall not be responsible for the security of that*
12 *data, or its use or misuse.*

13 **SEC. 5011. YOUTH ENERGY ENTERPRISE COMPETITION.**

14 *The Secretaries of Energy and Commerce shall jointly*
15 *establish an energy enterprise competition to encourage*
16 *youth to propose solutions to the energy challenges of the*
17 *United States and to promote youth interest in careers in*
18 *science, technology, engineering, and math, especially as*
19 *those fields relate to energy.*

20 **SEC. 5012. MODERNIZATION OF TERMS RELATING TO MI-**
21 **NORITIES.**

22 *(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Sec-*
23 *tion 211(f)(1) of the Department of Energy Organization*
24 *Act (42 U.S.C. 7141(f)(1)) is amended by striking “a Negro,*
25 *Puerto Rican, American Indian, Eskimo, Oriental, or Aleut*

1 *or is a Spanish speaking individual of Spanish descent”*
 2 *and inserting “Asian American, African American, His-*
 3 *panic, Puerto Rican, Native American, or an Alaska Na-*
 4 *tive”.*

5 (b) *MINORITY BUSINESS ENTERPRISES.—Section*
 6 *106(f)(2) of the Local Public Works Capital Development*
 7 *and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is*
 8 *amended by striking “Negroes, Spanish-speaking, Ori-*
 9 *entals, Indians, Eskimos, and Aleuts” and inserting “Asian*
 10 *American, African American, Hispanic, Native American,*
 11 *or Alaska Natives”.*

12 **SEC. 5013. VOLUNTARY VEGETATION MANAGEMENT OUT-**
 13 **SIDE RIGHTS-OF-WAY.**

14 (a) *AUTHORIZATION.—The Secretary of the Interior or*
 15 *the Secretary of Agriculture may authorize an owner or op-*
 16 *erator of an electric transmission or distribution facility*
 17 *to manage vegetation selectively within 150 feet of the exte-*
 18 *rior boundary of the right-of-way near structures for selec-*
 19 *tive thinning and fuel reduction.*

20 (b) *STATUS OF REMOVED VEGETATION.—Any vegeta-*
 21 *tion removed pursuant to this section shall be the property*
 22 *of the United States and not available for sale by the owner*
 23 *or operator.*

24 (c) *LIMITATION ON LIABILITY.—An owner or operator*
 25 *of an electric transmission or distribution facility shall not*

1 *be held liable for wildlife damage, loss, or injury, including*
 2 *the cost of fire suppression, resulting from activities carried*
 3 *out pursuant to subsection (a) except in the case of harm*
 4 *resulting from the owner or operator's gross negligence or*
 5 *criminal misconduct.*

6 **SEC. 5014. REPEAL OF RULE FOR NEW RESIDENTIAL WOOD**
 7 **HEATERS.**

8 *The final rule entitled “Standards of Performance for*
 9 *New Residential Wood Heaters, New Residential Hydronic*
 10 *Heaters and Forced-Air Furnaces” published at 80 Fed.*
 11 *Reg. 13672 (March 16, 2015) shall have no force or effect*
 12 *and shall be treated as if such rule had never been issued.*

13 **TITLE VI—PROMOTING RENEW-**
 14 **ABLE ENERGY WITH SHARED**
 15 **SOLAR**

16 **SEC. 6001. SHORT TITLE.**

17 *This title may be cited as the “Promoting Renewable*
 18 *Energy with Shared Solar Act of 2016”.*

19 **SEC. 6002. PROVISION OF INTERCONNECTION SERVICE AND**
 20 **NET BILLING SERVICE FOR COMMUNITY**
 21 **SOLAR FACILITIES.**

22 *(a) IN GENERAL.—Section 111(d) of the Public Utility*
 23 *Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is*
 24 *amended by adding at the end the following:*

25 *“(20) COMMUNITY SOLAR FACILITIES.—*

1 “(A) *DEFINITIONS.*—*In this paragraph:*

2 “(i) *COMMUNITY SOLAR FACILITY.*—

3 *The term ‘community solar facility’ means*

4 *a solar photovoltaic system that—*

5 “(I) *allocates electricity to mul-*

6 *tiple individual electric consumers of*

7 *an electric utility;*

8 “(II) *has a nameplate rating of 2*

9 *megawatts or less; and*

10 “(III) *is—*

11 “(aa) *owned by the electric*

12 *utility, jointly owned, or third-*

13 *party-owned;*

14 “(bb) *connected to a local*

15 *distribution facility of the electric*

16 *utility; and*

17 “(cc) *located on or off the*

18 *property of a consumer of the elec-*

19 *tricity.*

20 “(ii) *INTERCONNECTION SERVICE.*—

21 *The term ‘interconnection service’ means a*

22 *service provided by an electric utility to an*

23 *electric consumer, in accordance with the*

24 *standards described in paragraph (15),*

25 *through which a community solar facility is*

1 *connected to an applicable local distribution*
 2 *facility.*

3 “(iii) *NET BILLING SERVICE.*—*The*
 4 *term ‘net billing service’ means a service*
 5 *provided by an electric utility to an electric*
 6 *consumer through which electric energy gen-*
 7 *erated for that electric consumer from a*
 8 *community solar facility may be used to*
 9 *offset electric energy provided by the electric*
 10 *utility to the electric consumer during the*
 11 *applicable billing period.*

12 “(B) *REQUIREMENT.*—*On receipt of a re-*
 13 *quest of an electric consumer served by the elec-*
 14 *tric utility, each electric utility shall make avail-*
 15 *able to the electric consumer interconnection*
 16 *service and net billing service for a community*
 17 *solar facility.”.*

18 (b) *COMPLIANCE.*—

19 (1) *TIME LIMITATIONS.*—*Section 112(b) of the*
 20 *Public Utility Regulatory Policies Act of 1978 (16*
 21 *U.S.C. 2622(b)) is amended by adding at the end the*
 22 *following:*

23 “(7)(A) *Not later than 1 year after the date of*
 24 *enactment of this paragraph, each State regulatory*
 25 *authority (with respect to each electric utility for*

1 *which the State has ratemaking authority) and each*
 2 *nonregulated utility shall commence consideration*
 3 *under section 111, or set a hearing date for consider-*
 4 *ation, with respect to the standard established by*
 5 *paragraph (20) of section 111(d).*

6 “(B) Not later than 2 years after the date of en-

7 *actment of this paragraph, each State regulatory au-*
 8 *thority (with respect to each electric utility for which*
 9 *the State has ratemaking authority), and each non-*
 10 *regulated electric utility shall complete the consider-*
 11 *ation and make the determination under section 111*
 12 *with respect to the standard established by paragraph*
 13 *(20) of section 111(d).”.*

14 (2) *FAILURE TO COMPLY.—*

15 (A) *IN GENERAL.—*Section 112(c) of the
 16 *Public Utility Regulatory Policies Act of 1978*
 17 *(16 U.S.C. 2622(c)) is amended—*

18 (i) by striking “such paragraph (14)”
 19 and all that follows through “paragraphs
 20 (16)” and inserting “such paragraph (14).
 21 In the case of the standard established by
 22 paragraph (15) of section 111(d), the ref-
 23 erence contained in this subsection to the
 24 date of enactment of this Act shall be
 25 deemed to be a reference to the date of en-

1 *actment of that paragraph (15). In the case*
2 *of the standards established by paragraphs*
3 *(16)”; and*

4 *(ii) by adding at the end the following:*
5 *“In the case of the standard established by*
6 *paragraph (20) of section 111(d), the ref-*
7 *erence contained in this subsection to the*
8 *date of enactment of this Act shall be*
9 *deemed to be a reference to the date of en-*
10 *actment of that paragraph (20).”.*

11 *(B) TECHNICAL CORRECTION.—*

12 *(i) IN GENERAL.—Section 1254(b) of*
13 *the Energy Policy Act of 2005 (Public Law*
14 *109–58; 119 Stat. 971) is amended by strik-*
15 *ing paragraph (2).*

16 *(ii) TREATMENT.—The amendment*
17 *made by paragraph (2) of section 1254(b) of*
18 *the Energy Policy Act of 2005 (Public Law*
19 *109–58; 119 Stat. 971) (as in effect on the*
20 *day before the date of enactment of this Act)*
21 *is void, and section 112(d) of the Public*
22 *Utility Regulatory Policies Act of 1978 (16*
23 *U.S.C. 2622(d)) shall be in effect as if those*
24 *amendments had not been enacted.*

25 *(3) PRIOR STATE ACTIONS.—*

1 (A) *IN GENERAL.*—Section 112 of the Public
2 Utility Regulatory Policies Act of 1978 (16
3 U.S.C. 2622) is amended by adding at the end
4 the following:

5 “(g) *PRIOR STATE ACTIONS.*—Subsections (b) and (c)
6 shall not apply to the standard established by paragraph
7 (20) of section 111(d) in the case of any electric utility in
8 a State if, before the date of enactment of this subsection—

9 “(1) the State has implemented for the electric
10 utility the standard (or a comparable standard);

11 “(2) the State regulatory authority for the State
12 or the relevant nonregulated electric utility has con-
13 ducted a proceeding to consider implementation of the
14 standard (or a comparable standard) for the electric
15 utility; or

16 “(3) the State legislature has voted on the imple-
17 mentation of the standard (or a comparable stand-
18 ard) for the electric utility.”.

19 (B) *CROSS-REFERENCE.*—Section 124 of the
20 Public Utility Regulatory Policy Act of 1978 (16
21 U.S.C. 2634) is amended by adding at the end
22 the following: “In the case of the standard estab-
23 lished by paragraph (20) of section 111(d), the
24 reference contained in this subsection to the date
25 of enactment of this Act shall be deemed to be a

1 *reference to the date of enactment of that para-*
 2 *graph (20).”.*

3 **TITLE VII—MARINE**
 4 **HYDROKINETIC**

5 **SEC. 7001. DEFINITION OF MARINE AND HYDROKINETIC RE-**
 6 **NEWABLE ENERGY.**

7 *Section 632 of the Energy Independence and Security*
 8 *Act of 2007 (42 U.S.C. 17211) is amended in the matter*
 9 *preceding paragraph (1) by striking “electrical”.*

10 **SEC. 7002. MARINE AND HYDROKINETIC RENEWABLE EN-**
 11 **ERGY RESEARCH AND DEVELOPMENT.**

12 *Section 633 of the Energy Independence and Security*
 13 *Act of 2007 (42 U.S.C. 17212) is amended to read as fol-*
 14 *lows:*

15 **“SEC. 633. MARINE AND HYDROKINETIC RENEWABLE EN-**
 16 **ERGY RESEARCH AND DEVELOPMENT.**

17 *“The Secretary, in consultation with the Secretary of*
 18 *the Interior, the Secretary of Commerce, and the Federal*
 19 *Energy Regulatory Commission, shall carry out a program*
 20 *of research, development, demonstration, and commercial*
 21 *application to accelerate the introduction of marine and*
 22 *hydrokinetic renewable energy production into the United*
 23 *States energy supply, giving priority to fostering acceler-*
 24 *ated research, development, and commercialization of tech-*
 25 *nology, including—*

1 “(1) to assist technology development to improve
2 the components, processes, and systems used for power
3 generation from marine and hydrokinetic renewable
4 energy resources;

5 “(2) to establish critical testing infrastructure
6 necessary—

7 “(A) to cost effectively and efficiently test
8 and prove the efficacy of marine and
9 hydrokinetic renewable energy devices; and

10 “(B) to accelerate the technological readi-
11 ness and commercialization of those devices;

12 “(3) to support efforts to increase the efficiency
13 of energy conversion, lower the cost, increase the use,
14 improve the reliability, and demonstrate the applica-
15 bility of marine and hydrokinetic renewable energy
16 technologies by participating in demonstration
17 projects;

18 “(4) to investigate variability issues and the effi-
19 cient and reliable integration of marine and
20 hydrokinetic renewable energy with the utility grid;

21 “(5) to identify and study critical short- and
22 long-term needs to create a sustainable marine and
23 hydrokinetic renewable energy supply chain based in
24 the United States;

1 “(6) to increase the reliability and survivability
2 of marine and hydrokinetic renewable energy tech-
3 nologies;

4 “(7) to verify the performance, reliability, main-
5 tainability, and cost of new marine and hydrokinetic
6 renewable energy device designs and system compo-
7 nents in an operating environment;

8 “(8) to coordinate and avoid duplication of ac-
9 tivities across programs of the Department and other
10 applicable Federal agencies, including National Lab-
11 oratories, and to coordinate public-private collabora-
12 tion in all programs under this section;

13 “(9) to identify opportunities for joint research
14 and development programs and development of econo-
15 mies of scale between—

16 “(A) marine and hydrokinetic renewable en-
17 ergy technologies; and

18 “(B) other renewable energy and fossil en-
19 ergy programs, offshore oil and gas production
20 activities, and activities of the Department of
21 Defense; and

22 “(10) to support in-water technology develop-
23 ment with international partners using existing coop-
24 erative procedures (including memoranda of under-
25 standing)—

1 “(A) to allow cooperative funding and other
2 support of value to be exchanged and leveraged;
3 and

4 “(B) to encourage international research
5 centers and international companies to partici-
6 pate in the development of water technology in
7 the United States and to encourage United
8 States research centers and United States com-
9 panies to participate in water technology
10 projects abroad.”.

11 **SEC. 7003. NATIONAL MARINE RENEWABLE ENERGY RE-**
12 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**
13 **TION CENTERS.**

14 Section 634(b) of the Energy Independence and Secu-
15 rity Act of 2007 (42 U.S.C. 17213(b)) is amended to read
16 as follows:

17 “(b) *PURPOSES.*—A Center (in coordination with the
18 Department and National Laboratories) shall—

19 “(1) advance research, development, demonstra-
20 tion, and commercial application of marine and
21 hydrokinetic renewable energy technologies;

22 “(2) support in-water testing and demonstration
23 of marine and hydrokinetic renewable energy tech-
24 nologies, including facilities capable of testing—

1 “(A) marine and hydrokinetic renewable en-
2 ergy systems of various technology readiness lev-
3 els and scales;

4 “(B) a variety of technologies in multiple
5 test berths at a single location; and

6 “(C) arrays of technology devices; and

7 “(3) serve as information clearinghouses for the
8 marine and hydrokinetic renewable energy industry
9 by collecting and disseminating information on best
10 practices in all areas relating to developing and man-
11 aging marine and hydrokinetic renewable energy re-
12 sources and energy systems.”.

13 **SEC. 7004. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 636 of the Energy Independence and Security
15 Act of 2007 (42 U.S.C. 17215) is amended by striking
16 “2008 through 2012” and inserting “2016 through 2019”.

17 **TITLE VIII—EXTENSIONS OF**
18 **TIME FOR VARIOUS FEDERAL**
19 **ENERGY REGULATORY COM-**
20 **MISSION PROJECTS**

21 **SEC. 8001. EXTENSION OF TIME FOR FEDERAL ENERGY**
22 **REGULATORY COMMISSION PROJECT IN-**
23 **VOLVING CLARK CANYON DAM.**

24 Notwithstanding the time period described in section
25 13 of the Federal Power Act (16 U.S.C. 806) that would

1 *otherwise apply to the Federal Energy Regulatory Commis-*
2 *sion project numbered 12429, the Federal Energy Regu-*
3 *latory Commission (referred to in this section as the “Com-*
4 *mission”)* shall, at the request of the licensee for the project,
5 *and after reasonable notice and in accordance with the pro-*
6 *cedures of the Commission under that section, reinstate the*
7 *license and extend the time period during which the licensee*
8 *is required to commence construction of project works for*
9 *the 3-year period beginning on the date of enactment of this*
10 *Act.*

11 **SEC. 8002. EXTENSION OF TIME FOR FEDERAL ENERGY**
12 **REGULATORY COMMISSION PROJECT IN-**
13 **VOLVING GIBSON DAM.**

14 (a) *IN GENERAL.*—*Notwithstanding the requirements*
15 *of section 13 of the Federal Power Act (16 U.S.C. 806) that*
16 *would otherwise apply to the Federal Energy Regulatory*
17 *Commission project numbered 12478–003, the Federal En-*
18 *ergy Regulatory Commission (referred to in this section as*
19 *the “Commission”)* may, at the request of the licensee for
20 *the project, and after reasonable notice and in accordance*
21 *with the procedures of the Commission under that section,*
22 *extend the time period during which the licensee is required*
23 *to commence construction of the project for a 6-year period*
24 *that begins on the date described in subsection (b).*

1 **(b) DATE DESCRIBED.**—*The date described in this sub-*
2 *section is the date of the expiration of the extension of the*
3 *period required for commencement of construction for the*
4 *project described in subsection (a) that was issued by the*
5 *Commission prior to the date of enactment of this Act under*
6 *section 13 of the Federal Power Act (16 U.S.C. 806).*

7 **SEC. 8003. EXTENSION OF TIME FOR FEDERAL ENERGY**
8 **REGULATORY COMMISSION PROJECT IN-**
9 **VOLVING JENNINGS RANDOLPH DAM.**

10 **(a) IN GENERAL.**—*Notwithstanding the time period*
11 *specified in section 13 of the Federal Power Act (16 U.S.C.*
12 *806) that would otherwise apply to the Federal Energy Reg-*
13 *ulatory Commission project numbered 12715, the Commis-*
14 *sion may, at the request of the licensee for the project, and*
15 *after reasonable notice, in accordance with the good faith,*
16 *due diligence, and public interest requirements of that sec-*
17 *tion and the Commission's procedures under that section,*
18 *extend the time period during which the licensee is required*
19 *to commence the construction of the project for up to three*
20 *consecutive 2-year periods from the date of the expiration*
21 *of the extension originally issued by the Commission. Any*
22 *obligation of the licensee for the payment of annual charges*
23 *under section 10(e) of the Federal Power Act (16 U.S.C.*
24 *803(e)) shall commence upon conclusion of the time period*

1 *to commence construction of the project, as extended by the*
 2 *Commission under this subsection.*

3 (b) *REINSTATEMENT OF EXPIRED LICENSE.—If the*
 4 *period required for commencement of construction of the*
 5 *project described in subsection (a) has expired prior to the*
 6 *date of the enactment of this Act, the Commission shall rein-*
 7 *state the license effective as of the date of its expiration and*
 8 *the first extension authorized under subsection (a) shall take*
 9 *effect on the date of such expiration.*

10 **SEC. 8004. EXTENSION OF TIME FOR FEDERAL ENERGY**
 11 **REGULATORY COMMISSION PROJECT IN-**
 12 **VOLVING CANNONSVILLE DAM.**

13 (a) *IN GENERAL.—Notwithstanding the time period*
 14 *specified in section 13 of the Federal Power Act (16 U.S.C.*
 15 *806) that would otherwise apply to the Federal Energy Reg-*
 16 *ulatory Commission project numbered 13287, the Commis-*
 17 *sion may, at the request of the licensee for the project, and*
 18 *after reasonable notice, in accordance with the good faith,*
 19 *due diligence, and public interest requirements of that sec-*
 20 *tion and the Commission's procedures under that section,*
 21 *extend the time period during which the licensee is required*
 22 *to commence the construction of the project for up to four*
 23 *consecutive 2-year periods from the date of the expiration*
 24 *of the time period required for commencement of construc-*
 25 *tion prescribed in the license.*

1 (b) *REINSTATEMENT OF EXPIRED LICENSE.*—If the
 2 period required for commencement of construction of the
 3 project described in subsection (a) has expired prior to the
 4 date of the enactment of this Act, the Commission may rein-
 5 state the license effective as of the date of its expiration and
 6 the first extension authorized under subsection (a) shall take
 7 effect on the date of such expiration.

8 **SEC. 8005. EXTENSION OF TIME FOR FEDERAL ENERGY**
 9 **REGULATORY COMMISSION PROJECT IN-**
 10 **VOLVING GATHRIGHT DAM.**

11 (a) *IN GENERAL.*—Notwithstanding the time period
 12 specified in section 13 of the Federal Power Act (16 U.S.C.
 13 806) that would otherwise apply to the Federal Energy Reg-
 14 ulatory Commission project numbered 12737, the Commis-
 15 sion may, at the request of the licensee for the project, and
 16 after reasonable notice, in accordance with the good faith,
 17 due diligence, and public interest requirements of that sec-
 18 tion and the Commission's procedures under that section,
 19 extend the time period during which the licensee is required
 20 to commence the construction of the project for up to three
 21 consecutive 2-year periods from the date of the expiration
 22 of the extension originally issued by the Commission.

23 (b) *REINSTATEMENT OF EXPIRED LICENSE.*—If the
 24 period required for commencement of construction of the
 25 project described in subsection (a) has expired prior to the

1 *date of the enactment of this Act, the Commission may rein-*
 2 *state the license for the project effective as of the date of*
 3 *its expiration and the first extension authorized under sub-*
 4 *section (a) shall take effect on the date of such expiration.*

5 **SEC. 8006. EXTENSION OF TIME FOR FEDERAL ENERGY**
 6 **REGULATORY COMMISSION PROJECT IN-**
 7 **VOLVING FLANNAGAN DAM.**

8 *(a) IN GENERAL.—Notwithstanding the time period*
 9 *specified in section 13 of the Federal Power Act (16 U.S.C.*
 10 *806) that would otherwise apply to the Federal Energy Reg-*
 11 *ulatory Commission project numbered 12740, the Commis-*
 12 *sion may, at the request of the licensee for the project, and*
 13 *after reasonable notice, in accordance with the good faith,*
 14 *due diligence, and public interest requirements of that sec-*
 15 *tion and the Commission’s procedures under that section,*
 16 *extend the time period during which the licensee is required*
 17 *to commence the construction of the project for up to three*
 18 *consecutive 2-year periods from the date of the expiration*
 19 *of the extension originally issued by the Commission.*

20 *(b) REINSTATEMENT OF EXPIRED LICENSE.—If the*
 21 *period required for commencement of construction of the*
 22 *project described in subsection (a) has expired prior to the*
 23 *date of the enactment of this Act, the Commission may rein-*
 24 *state the license for the project effective as of the date of*

1 *its expiration and the first extension authorized under sub-*
 2 *section (a) shall take effect on the date of such expiration.*

3 **TITLE IX—ENERGY AND MANU-**
 4 **FACTURING WORKFORCE DE-**
 5 **VELOPMENT**

6 **SEC. 9001. ENERGY AND MANUFACTURING WORKFORCE DE-**
 7 **VELOPMENT.**

8 *(a) IN GENERAL.—The Secretary of Energy (in this*
 9 *title referred to as the “Secretary”) shall prioritize edu-*
 10 *cation and training for energy and manufacturing-related*
 11 *jobs in order to increase the number of skilled workers*
 12 *trained to work in energy and manufacturing-related fields*
 13 *when considering awards for existing grant programs, in-*
 14 *cluding by—*

15 *(1) encouraging State education agencies and*
 16 *local educational agencies to equip students with the*
 17 *skills, mentorships, training, and technical expertise*
 18 *necessary to fill the employment opportunities vital to*
 19 *managing and operating the Nation’s energy and*
 20 *manufacturing industries, in collaboration with rep-*
 21 *resentatives from the energy and manufacturing in-*
 22 *dustries (including the oil, gas, coal, nuclear, utility,*
 23 *pipeline, renewable, petrochemical, manufacturing,*
 24 *and electrical construction sectors) to identify the*
 25 *areas of highest need in each sector and the skills nec-*

1 *essary for a high quality workforce in the following*
2 *sectors of energy and manufacturing:*

3 *(A) Energy efficiency industry, including*
4 *work in energy efficiency, conservation, weather-*
5 *ization, or retrofitting, or as inspectors or audi-*
6 *tors.*

7 *(B) Pipeline industry, including work in*
8 *pipeline construction and maintenance or work*
9 *as engineers or technical advisors.*

10 *(C) Utility industry, including work in the*
11 *generation, transmission, and distribution of*
12 *electricity and natural gas, such as utility tech-*
13 *nicians, operators, lineworkers, engineers, sci-*
14 *entists, and information technology specialists.*

15 *(D) Nuclear industry, including work as*
16 *scientists, engineers, technicians, mathemati-*
17 *cians, or security personnel.*

18 *(E) Oil and gas industry, including work*
19 *as scientists, engineers, technicians, mathemati-*
20 *cians, petrochemical engineers, or geologists.*

21 *(F) Renewable industry, including work in*
22 *the development, manufacturing, and production*
23 *of renewable energy sources (such as solar, hy-*
24 *dropower, wind, or geothermal energy).*

1 (G) *Coal industry, including work as coal*
2 *miners, engineers, developers and manufacturers*
3 *of state-of-the-art coal facilities, technology ven-*
4 *dors, coal transportation workers and operators,*
5 *or mining equipment vendors.*

6 (H) *Manufacturing industry, including*
7 *work as operations technicians, operations and*
8 *design in additive manufacturing, 3-D printing,*
9 *advanced composites, and advanced aluminum*
10 *and other metal alloys, industrial energy effi-*
11 *ciency management systems, including power*
12 *electronics, and other innovative technologies.*

13 (I) *Chemical manufacturing industry, in-*
14 *cluding work in construction (such as welders,*
15 *pipefitters, and tool and die makers) or as in-*
16 *strument and electrical technicians, machinists,*
17 *chemical process operators, chemical engineers,*
18 *quality and safety professionals, and reliability*
19 *engineers; and*

20 (2) *strengthening and more fully engaging De-*
21 *partment of Energy programs and labs in carrying*
22 *out the Department's workforce development initia-*
23 *tives including the Minorities in Energy Initiative.*

24 (b) *PROHIBITION.—Nothing in this section shall be*
25 *construed to authorize the Secretary or any other officer or*

1 *employee of the Federal Government to incentivize, require,*
2 *or coerce a State, school district, or school to adopt cur-*
3 *ricula aligned to the skills described in subsection (a).*

4 *(c) PRIORITY.—The Secretary shall prioritize the edu-*
5 *cation and training of underrepresented groups in energy*
6 *and manufacturing-related jobs.*

7 *(d) CLEARINGHOUSE.—In carrying out this section,*
8 *the Secretary shall establish a clearinghouse to—*

9 *(1) maintain and update information and re-*
10 *sources on training and workforce development pro-*
11 *grams for energy and manufacturing-related jobs, in-*
12 *cluding job training and workforce development pro-*
13 *grams available to assist displaced and unemployed*
14 *energy and manufacturing workers transitioning to*
15 *new employment; and*

16 *(2) provide technical assistance for States, local*
17 *educational agencies, schools, community colleges,*
18 *universities (including minority serving institutions),*
19 *workforce development programs, labor-management*
20 *organizations, and industry organizations that would*
21 *like to develop and implement energy and manufac-*
22 *turing-related training programs.*

23 *(e) COLLABORATION.—In carrying out this section, the*
24 *Secretary—*

1 (1) shall collaborate with States, local edu-
2 cational agencies, schools, community colleges, univer-
3 sities (including minority serving institutions), work-
4 force-training organizations, national laboratories,
5 State energy offices, workforce investment boards, and
6 the energy and manufacturing industries;

7 (2) shall encourage and foster collaboration,
8 mentorships, and partnerships among organizations
9 (including industry, States, local educational agen-
10 cies, schools, community colleges, workforce-devel-
11 opment organizations, and colleges and universities)
12 that currently provide effective job training programs
13 in the energy and manufacturing fields and entities
14 (including States, local educational agencies, schools,
15 community colleges, workforce development programs,
16 and colleges and universities) that seek to establish
17 these types of programs in order to share best prac-
18 tices; and

19 (3) shall collaborate with the Bureau of Labor
20 Statistics, the Department of Commerce, the Bureau
21 of the Census, States, and the energy and manufac-
22 turing industries to develop a comprehensive and de-
23 tailed understanding of the energy and manufac-
24 turing workforce needs and opportunities by State
25 and by region.

1 (f) *OUTREACH TO MINORITY SERVING INSTITU-*
2 *TIONS.—In carrying out this section, the Secretary shall—*

3 (1) *give special consideration to increasing out-*
4 *reach to minority serving institutions and Histori-*
5 *cally Black Colleges and Universities;*

6 (2) *make existing resources available through*
7 *program cross-cutting to minority serving institu-*
8 *tions with the objective of increasing the number of*
9 *skilled minorities and women trained to go into the*
10 *energy and manufacturing sectors;*

11 (3) *encourage industry to improve the opportu-*
12 *nities for students of minority serving institutions to*
13 *participate in industry internships and cooperative*
14 *work/study programs; and*

15 (4) *partner with the Department of Energy lab-*
16 *oratories to increase underrepresented groups' partici-*
17 *pation in internships, fellowships, traineeships, and*
18 *employment at all Department of Energy labora-*
19 *tories.*

20 (g) *OUTREACH TO DISLOCATED ENERGY AND MANU-*
21 *FACTURING WORKERS.—In carrying out this section, the*
22 *Secretary shall—*

23 (1) *give special consideration to increasing out-*
24 *reach to employers and job trainers preparing dis-*

1 *located energy and manufacturing workers for in-de-*
2 *mand sectors or occupations;*

3 *(2) make existing resources available through*
4 *program cross-cutting to institutions serving dis-*
5 *located energy and manufacturing workers with the*
6 *objective of training individuals to re-enter in-de-*
7 *mand sectors or occupations;*

8 *(3) encourage the energy and manufacturing in-*
9 *dustries to improve opportunities for dislocated en-*
10 *ergy and manufacturing workers to participate in ca-*
11 *reer pathways; and*

12 *(4) work closely with the energy and manufac-*
13 *turing industries to identify energy and manufac-*
14 *turing operations, such as coal-fired power plants and*
15 *coal mines, scheduled for closure and to provide early*
16 *intervention assistance to workers employed at such*
17 *energy and manufacturing operations by—*

18 *(A) partnering with State and local work-*
19 *force development boards;*

20 *(B) giving special consideration to employ-*
21 *ers and job trainers preparing such workers for*
22 *in-demand sectors or occupations;*

23 *(C) making existing resources available*
24 *through program cross-cutting to institutions*
25 *serving such workers with the objective of train-*

1 *ing them to re-enter in-demand sectors or occu-*
2 *pations; and*

3 *(D) encouraging the energy and manufac-*
4 *turing industries to improve opportunities for*
5 *such workers to participate in career pathways.*

6 *(h) ENROLLMENT IN WORKFORCE DEVELOPMENT PRO-*
7 *GRAMS.—In carrying out this section, the Secretary shall*
8 *work with industry and community-based workforce orga-*
9 *nizations to help identify candidates, including from under-*
10 *represented communities such as minorities, women, and*
11 *veterans, to enroll in workforce development programs for*
12 *energy and manufacturing-related jobs.*

13 *(i) PROHIBITION.—Nothing in this section shall be*
14 *construed as authorizing the creation of a new workforce*
15 *development program.*

16 *(j) DEFINITIONS.—In this section:*

17 *(1) CAREER PATHWAYS; DISLOCATED WORKER;*
18 *IN-DEMAND SECTORS OR OCCUPATIONS; LOCAL WORK-*
19 *FORCE DEVELOPMENT BOARD; STATE WORKFORCE DE-*
20 *VELOPMENT BOARD.—The terms “career pathways”,*
21 *“dislocated worker”, “in-demand sectors or occupa-*
22 *tions”, “local workforce development board”, and*
23 *“State workforce development board” have the mean-*
24 *ings given the terms “career pathways”, “dislocated*
25 *worker”, “in-demand sectors or occupations”, “local*

1 *board*”, and “*State board*”, respectively, in section 3
2 *of the Workforce Innovation and Opportunity Act* (29
3 *U.S.C. 3102*).

4 (2) *MINORITY-SERVING INSTITUTION*.—*The term*
5 *“minority-serving institution” means an institution*
6 *of higher education with a designation of one of the*
7 *following:*

8 (A) *Hispanic-serving institution (as defined*
9 *in 20 U.S.C.1101a(a)(5))*.

10 (B) *Tribal College or University (as defined*
11 *in 20 U.S.C.1059c(b))*.

12 (C) *Alaska Native-serving institution or a*
13 *Native Hawaiian-serving institution (as defined*
14 *in 20 U.S.C.1059d(b))*.

15 (D) *Predominantly Black Institution (as*
16 *defined in 20 U.S.C.1059e(b))*.

17 (E) *Native American-serving nontribal in-*
18 *stitution (as defined in 20 U.S.C.1059f(b))*.

19 (F) *Asian American and Native American*
20 *Pacific Islander-serving institution (as defined*
21 *in 20 U.S.C.1059g(b))*.

22 **SEC. 9002. REPORT.**

23 *Five years after the date of enactment of this Act, the*
24 *Secretary shall publish a comprehensive report to the Com-*
25 *mittee on Energy and Commerce and the Committee on*

1 *Education and the Workforce of the House of Representa-*
 2 *tives and the Senate Energy and Natural Resources Com-*
 3 *mittee on the outlook for energy and manufacturing sectors*
 4 *nationally. The report shall also include a comprehensive*
 5 *summary of energy and manufacturing job creation as a*
 6 *result of the enactment of this title. The report shall include*
 7 *performance data regarding the number of program partici-*
 8 *pants served, the percentage of participants in competitive*
 9 *integrated employment two quarters and four quarters after*
 10 *program completion, the median income of program par-*
 11 *ticipants two quarters and four quarters after program*
 12 *completion, and the percentage of program participants re-*
 13 *ceiving industry-recognized credentials.*

14 **SEC. 9003. USE OF EXISTING FUNDS.**

15 *No additional funds are authorized to carry out the*
 16 *requirements of this title. Such requirements shall be car-*
 17 *ried out using amounts otherwise authorized.*

18 ***DIVISION B—RESILIENT***
 19 ***FEDERAL FORESTS***

20 **SEC. 1. SHORT TITLE.**

21 *This division may be cited as the “Resilient Federal*
 22 *Forests Act of 2016”.*

23 **SEC. 2. DEFINITIONS.**

24 *In titles I through VIII of this division:*

1 (1) *CATASTROPHIC EVENT*.—The term “cata-
2 strophic event” means any natural disaster (such as
3 hurricane, tornado, windstorm, snow or ice storm,
4 rain storm, high water, wind-driven water, tidal
5 wave, earthquake, volcanic eruption, landslide,
6 mudslide, drought, or insect or disease outbreak) or
7 any fire, flood, or explosion, regardless of cause.

8 (2) *CATEGORICAL EXCLUSION*.—The term “cat-
9 egorical exclusion” refers to an exception to the re-
10 quirements of the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4331 et seq.) for a project or activ-
12 ity relating to the management of National Forest
13 System lands or public lands.

14 (3) *COLLABORATIVE PROCESS*.—The term “col-
15 laborative process” refers to a process relating to the
16 management of National Forest System lands or pub-
17 lic lands by which a project or activity is developed
18 and implemented by the Secretary concerned through
19 collaboration with interested persons, as described in
20 section 603(b)(1)(C) of the Healthy Forests Restora-
21 tion Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

22 (4) *COMMUNITY WILDFIRE PROTECTION PLAN*.—
23 The term “community wildfire protection plan” has
24 the meaning given that term in section 101(3) of the

1 *Healthy Forests Restoration Act of 2003 (16 U.S.C.*
2 *6511(3)).*

3 (5) *COOS BAY WAGON ROAD GRANT LANDS.*—*The*
4 *term “Coos Bay Wagon Road Grant lands” means*
5 *the lands reconveyed to the United States pursuant to*
6 *the first section of the Act of February 26, 1919 (40*
7 *Stat. 1179).*

8 (6) *FOREST MANAGEMENT ACTIVITY.*—*The term*
9 *“forest management activity” means a project or ac-*
10 *tivity carried out by the Secretary concerned on Na-*
11 *tional Forest System lands or public lands in concert*
12 *with the forest plan covering the lands.*

13 (7) *FOREST PLAN.*—*The term “forest plan”*
14 *means—*

15 (A) *a land use plan prepared by the Bureau*
16 *of Land Management for public lands pursuant*
17 *to section 202 of the Federal Land Policy and*
18 *Management Act of 1976 (43 U.S.C. 1712); or*

19 (B) *a land and resource management plan*
20 *prepared by the Forest Service for a unit of the*
21 *National Forest System pursuant to section 6 of*
22 *the Forest and Rangeland Renewable Resources*
23 *Planning Act of 1974 (16 U.S.C. 1604).*

24 (8) *LARGE-SCALE CATASTROPHIC EVENT.*—*The*
25 *term “large-scale catastrophic event” means a cata-*

1 *strophic event that adversely impacts at least 5,000*
2 *acres of reasonably contiguous National Forest Sys-*
3 *tem lands or public lands.*

4 (9) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
5 *tional Forest System” has the meaning given that*
6 *term in section 11(a) of the Forest and Rangeland*
7 *Renewable Resources Planning Act of 1974 (16*
8 *U.S.C. 1609(a)).*

9 (10) *OREGON AND CALIFORNIA RAILROAD GRANT*
10 *LANDS.*—*The term “Oregon and California Railroad*
11 *Grant lands” means the following lands:*

12 (A) *All lands in the State of Oregon re-*
13 *vested in the United States under the Act of*
14 *June 9, 1916 (39 Stat. 218), that are adminis-*
15 *tered by the Secretary of the Interior, acting*
16 *through the Bureau of Land Management, pur-*
17 *suant to the first section of the Act of August 28,*
18 *1937 (43 U.S.C. 1181a).*

19 (B) *All lands in that State obtained by the*
20 *Secretary of the Interior pursuant to the land ex-*
21 *changes authorized and directed by section 2 of*
22 *the Act of June 24, 1954 (43 U.S.C. 1181h).*

23 (C) *All lands in that State acquired by the*
24 *United States at any time and made subject to*

1 *the provisions of title II of the Act of August 28,*
2 *1937 (43 U.S.C. 1181f).*

3 (11) *PUBLIC LANDS.*—*The term “public lands”*
4 *has the meaning given that term in section 103(e) of*
5 *the Federal Land Policy and Management Act of*
6 *1976 (43 U.S.C. 1702(e)), except that the term in-*
7 *cludes Coos Bay Wagon Road Grant lands and Or-*
8 *egon and California Railroad Grant lands.*

9 (12) *REFORESTATION ACTIVITY.*—*The term “re-*
10 *forestation activity” means a project or activity car-*
11 *ried out by the Secretary concerned whose primary*
12 *purpose is the reforestation of impacted lands fol-*
13 *lowing a large-scale catastrophic event. The term in-*
14 *cludes planting, evaluating and enhancing natural*
15 *regeneration, clearing competing vegetation, and other*
16 *activities related to reestablishment of forest species*
17 *on the fire-impacted lands.*

18 (13) *RESOURCE ADVISORY COMMITTEE.*—*The*
19 *term “resource advisory committee” has the meaning*
20 *given that term in section 201(3) of the Secure Rural*
21 *Schools and Community Self-Determination Act of*
22 *2000 (16 U.S.C. 7121(3)).*

23 (14) *SALVAGE OPERATION.*—*The term “salvage*
24 *operation” means a forest management activity un-*

1 *dertaken in response to a catastrophic event whose*
2 *primary purpose—*

3 *(A) is to prevent wildfire as a result of the*
4 *catastrophic event, or, if the catastrophic event*
5 *was wildfire, to prevent a re-burn of the fire-im-*
6 *pacted area;*

7 *(B) is to provide an opportunity for utiliza-*
8 *tion of forest materials damaged as a result of*
9 *the catastrophic event; or*

10 *(C) is to provide a funding source for refor-*
11 *estation and other restoration activities for the*
12 *National Forest System lands or public lands*
13 *impacted by the catastrophic event.*

14 *(15) SECRETARY CONCERNED.—The term “Sec-*
15 *retary concerned” means—*

16 *(A) the Secretary of Agriculture, with re-*
17 *spect to National Forest System lands; and*

18 *(B) the Secretary of the Interior, with re-*
19 *spect to public lands.*

1 **TITLE I—EXPEDITED ENVIRON-**
 2 **MENTAL ANALYSIS AND**
 3 **AVAILABILITY OF CATEGOR-**
 4 **ICAL EXCLUSIONS TO EXPE-**
 5 **DITE FOREST MANAGEMENT**
 6 **ACTIVITIES**

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
 8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
 9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 *(a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-*
 11 *SESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—*

12 *This section shall apply whenever the Secretary concerned*
 13 *prepares an environmental assessment or an environmental*
 14 *impact statement pursuant to section 102(2) of the National*
 15 *Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for*
 16 *a forest management activity that—*

17 *(1) is developed through a collaborative process;*

18 *(2) is proposed by a resource advisory com-*
 19 *mittee; or*

20 *(3) is covered by a community wildfire protec-*
 21 *tion plan.*

22 *(b) CONSIDERATION OF ALTERNATIVES.—In an envi-*
 23 *ronmental assessment or environmental impact statement*
 24 *described in subsection (a), the Secretary concerned shall*

1 *study, develop, and describe only the following two alter-*
 2 *natives:*

3 (1) *The forest management activity, as proposed*
 4 *pursuant to paragraph (1), (2), or (3) of subsection*
 5 *(a).*

6 (2) *The alternative of no action.*

7 (c) *ELEMENTS OF NON-ACTION ALTERNATIVE.—In the*
 8 *case of the alternative of no action, the Secretary concerned*
 9 *shall evaluate—*

10 (1) *the effect of no action on—*

11 (A) *forest health;*

12 (B) *habitat diversity;*

13 (C) *wildfire potential; and*

14 (D) *insect and disease potential; and*

15 (2) *the implications of a resulting decline in for-*
 16 *est health, loss of habitat diversity, wildfire, or insect*
 17 *or disease infestation, given fire and insect and dis-*
 18 *ease historic cycles, on—*

19 (A) *domestic water costs;*

20 (B) *wildlife habitat loss; and*

21 (C) *other economic and social factors.*

22 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN**
 23 **CRITICAL RESPONSE ACTIONS.**

24 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.—A*
 25 *categorical exclusion is available to the Secretary concerned*

1 *to develop and carry out a forest management activity on*
2 *National Forest System lands or public lands when the pri-*
3 *mary purpose of the forest management activity is—*

4 *(1) to address an insect or disease infestation;*

5 *(2) to reduce hazardous fuel loads;*

6 *(3) to protect a municipal water source;*

7 *(4) to maintain, enhance, or modify critical*
8 *habitat to protect it from catastrophic disturbances;*

9 *(5) to increase water yield; or*

10 *(6) any combination of the purposes specified in*
11 *paragraphs (1) through (5).*

12 *(b) ACREAGE LIMITATIONS.—*

13 *(1) IN GENERAL.—Except in the case of a forest*
14 *management activity described in paragraph (2), a*
15 *forest management activity covered by the categorical*
16 *exclusion granted by subsection (a) may not contain*
17 *harvest units exceeding a total of 5,000 acres.*

18 *(2) LARGER AREAS AUTHORIZED.—A forest*
19 *management activity covered by the categorical exclu-*
20 *sion granted by subsection (a) may not contain har-*
21 *vest units exceeding a total of 15,000 acres if the for-*
22 *est management activity—*

23 *(A) is developed through a collaborative*
24 *process;*

1 (B) is proposed by a resource advisory com-
2 mittee; or

3 (C) is covered by a community wildfire pro-
4 tection plan.

5 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**
6 **OPERATIONS IN RESPONSE TO CATA-**
7 **STROPHIC EVENTS.**

8 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—A
9 categorical exclusion is available to the Secretary concerned
10 to develop and carry out a salvage operation as part of the
11 restoration of National Forest System lands or public lands
12 following a catastrophic event.

13 (b) *ACREAGE LIMITATIONS.*—

14 (1) *IN GENERAL.*—A salvage operation covered
15 by the categorical exclusion granted by subsection (a)
16 may not contain harvest units exceeding a total of
17 5,000 acres.

18 (2) *HARVEST AREA.*—In addition to the limita-
19 tion imposed by paragraph (1), the harvest units cov-
20 ered by the categorical exclusion granted by subsection
21 (a) may not exceed one-third of the area impacted by
22 the catastrophic event.

23 (c) *ADDITIONAL REQUIREMENTS.*—

24 (1) *ROAD BUILDING.*—A salvage operation cov-
25 ered by the categorical exclusion granted by subsection

1 (a) may not include any new permanent roads. Tem-
 2 porary roads constructed as part of the salvage oper-
 3 ation shall be retired before the end of the fifth fiscal
 4 year beginning after the completion of the salvage op-
 5 eration.

6 (2) *STREAM BUFFERS*.—A salvage operation cov-
 7 ered by the categorical exclusion granted by subsection
 8 (a) shall comply with the standards and guidelines
 9 for stream buffers contained in the applicable forest
 10 plan unless waived by the Regional Forester, in the
 11 case of National Forest System lands, or the State Di-
 12 rector of the Bureau of Land Management, in the case
 13 of public lands.

14 (3) *REFORESTATION PLAN*.—A reforestation plan
 15 shall be developed under section 3 of the Act of June
 16 9, 1930 (commonly known as the Knutson-Vanden-
 17 berg Act; 16 U.S.C. 576b), as part of a salvage oper-
 18 ation covered by the categorical exclusion granted by
 19 subsection (a).

20 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
 21 **PLAN GOALS FOR EARLY SUCCESSIONAL FOR-**
 22 **ESTS.**

23 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION*.—A
 24 categorical exclusion is available to the Secretary concerned
 25 to develop and carry out a forest management activity on

1 *National Forest System lands or public lands when the pri-*
2 *mary purpose of the forest management activity is to mod-*
3 *ify, improve, enhance, or create early successional forests*
4 *for wildlife habitat improvement and other purposes, con-*
5 *sistent with the applicable forest plan.*

6 (b) *PROJECT GOALS.*—*To the maximum extent prac-*
7 *ticable, the Secretary concerned shall design a forest man-*
8 *agement activity under this section to meet early succes-*
9 *sional forest goals in such a manner so as to maximize pro-*
10 *duction and regeneration of priority species, as identified*
11 *in the forest plan and consistent with the capability of the*
12 *activity site.*

13 (c) *ACREAGE LIMITATIONS.*—*A forest management ac-*
14 *tivity covered by the categorical exclusion granted by sub-*
15 *section (a) may not contain harvest units exceeding a total*
16 *of 5,000 acres.*

17 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
18 **CLUSION AUTHORITY RELATED TO INSECT**
19 **AND DISEASE INFESTATION.**

20 *Section 603(c)(2)(B) of the Healthy Forests Restora-*
21 *tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended by*
22 *striking “Fire Regime Groups I, II, or III” and inserting*
23 *“Fire Regime I, Fire Regime II, Fire Regime III, or Fire*
24 *Regime IV”.*

1 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
2 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

3 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—A
4 *categorical exclusion is available to the Secretary concerned*
5 *to carry out a forest management activity described in sub-*
6 *section (c) on National Forest System Lands or public*
7 *lands when the primary purpose of the activity is to im-*
8 *prove, restore, or reduce the risk of wildfire on those lands.*

9 (b) *ACREAGE LIMITATIONS.*—A forest management ac-
10 *tivity covered by the categorical exclusion granted by sub-*
11 *section (a) may not exceed 5,000 acres.*

12 (c) *AUTHORIZED ACTIVITIES.*—The following activi-
13 *ties may be carried out using a categorical exclusion grant-*
14 *ed by subsection (a):*

15 (1) *Removal of juniper trees, medusahead rye,*
16 *conifer trees, piñon pine trees, cheatgrass, and other*
17 *noxious or invasive weeds specified on Federal or*
18 *State noxious weeds lists through late-season livestock*
19 *grazing, targeted livestock grazing, prescribed burns,*
20 *and mechanical treatments.*

21 (2) *Performance of hazardous fuels management.*

22 (3) *Creation of fuel and fire breaks.*

23 (4) *Modification of existing fences in order to*
24 *distribute livestock and help improve wildlife habitat.*

25 (5) *Installation of erosion control devices.*

1 (6) *Construction of new and maintenance of per-*
2 *manent infrastructure, including stock ponds, water*
3 *catchments, and water spring boxes used to benefit*
4 *livestock and improve wildlife habitat.*

5 (7) *Performance of soil treatments, native and*
6 *non-native seeding, and planting of and trans-*
7 *planting sagebrush, grass, forb, shrub, and other spe-*
8 *cies.*

9 (8) *Use of herbicides, so long as the Secretary*
10 *concerned determines that the activity is otherwise*
11 *conducted consistently with agency procedures, in-*
12 *cluding any forest plan applicable to the area covered*
13 *by the activity.*

14 (d) *DEFINITIONS.—In this section:*

15 (1) *HAZARDOUS FUELS MANAGEMENT.—The*
16 *term “hazardous fuels management” means any vege-*
17 *tation management activities that reduce the risk of*
18 *wildfire.*

19 (2) *LATE-SEASON GRAZING.—The term “late-sea-*
20 *son grazing” means grazing activities that occur after*
21 *both the invasive species and native perennial species*
22 *have completed their current-year annual growth*
23 *cycle until new plant growth begins to appear in the*
24 *following year.*

1 (3) *TARGETED LIVESTOCK GRAZING.*—*The term*
2 “*targeted livestock grazing*” *means grazing used for*
3 *purposes of hazardous fuel reduction.*

4 **SEC. 107. COMPLIANCE WITH FOREST PLAN.**

5 *A forest management activity covered by a categorical*
6 *exclusion granted by this title shall be conducted in a man-*
7 *ner consistent with the forest plan applicable to the Na-*
8 *tional Forest System land or public lands covered by the*
9 *forest management activity.*

10 **TITLE II—SALVAGE AND REFOR-**
11 **ESTATION IN RESPONSE TO**
12 **CATASTROPHIC EVENTS**

13 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
14 **ESTATION ACTIVITIES FOLLOWING LARGE-**
15 **SCALE CATASTROPHIC EVENTS.**

16 (a) *EXPEDITED ENVIRONMENTAL ASSESSMENT.*—*Not-*
17 *withstanding any other provision of law, any environ-*
18 *mental assessment prepared by the Secretary concerned*
19 *pursuant to section 102(2) of the National Environmental*
20 *Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-*
21 *ation or reforestation activity proposed to be conducted on*
22 *National Forest System lands or public lands adversely im-*
23 *pacted by a large-scale catastrophic event shall be completed*
24 *within 3 months after the conclusion of the catastrophic*
25 *event.*

1 (b) *EXPEDITED IMPLEMENTATION AND COMPLE-*
2 *TION.*—*In the case of reforestation activities conducted on*
3 *National Forest System lands or public lands adversely im-*
4 *acted by a large-scale catastrophic event, the Secretary*
5 *concerned shall achieve reforestation of at least 75 percent*
6 *of the impacted lands during the 5-year period following*
7 *the conclusion of the catastrophic event.*

8 (c) *AVAILABILITY OF KNUTSON-VANDENBERG*
9 *FUNDS.*—*Amounts in the special fund established pursuant*
10 *to section 3 of the Act of June 9, 1930 (commonly known*
11 *as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be*
12 *available to the Secretary of Agriculture for reforestation*
13 *activities authorized by this title.*

14 (d) *TIMELINE FOR PUBLIC INPUT PROCESS.*—*Not-*
15 *withstanding any other provision of law, in the case of a*
16 *salvage operation or reforestation activity proposed to be*
17 *conducted on National Forest System lands or public lands*
18 *adversely impacted by a large-scale catastrophic event, the*
19 *Secretary concerned shall allow 30 days for public scoping*
20 *and comment, 15 days for filing an objection, and 15 days*
21 *for the agency response to the filing of an objection. Upon*
22 *completion of this process and expiration of the period spec-*
23 *ified in subsection (a), the Secretary concerned shall imple-*
24 *ment the project immediately.*

1 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

2 *A salvage operation or reforestation activity author-*
3 *ized by this title shall be conducted in a manner consistent*
4 *with the forest plan applicable to the National Forest Sys-*
5 *tem lands or public lands covered by the salvage operation*
6 *or reforestation activity.*

7 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
8 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
9 **PENDING APPEAL.**

10 *No restraining order, preliminary injunction, or in-*
11 *junction pending appeal shall be issued by any court of the*
12 *United States with respect to any decision to prepare or*
13 *conduct a salvage operation or reforestation activity in re-*
14 *sponse to a large-scale catastrophic event. Section 705 of*
15 *title 5, United States Code, shall not apply to any challenge*
16 *to the salvage operation or reforestation activity.*

17 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

18 *In applying this title, the Secretary concerned may not*
19 *carry out salvage operations or reforestation activities on*
20 *National Forest System lands or public lands—*

21 *(1) that are included in the National Wilderness*
22 *Preservation System;*

23 *(2) that are located within an inventoried*
24 *roadless area unless the reforestation activity is con-*
25 *sistent with the forest plan; or*

1 (3) on which timber harvesting for any purpose
2 is prohibited by statute.

3 **TITLE III—COLLABORATIVE**
4 **PROJECT LITIGATION RE-**
5 **QUIREMENT**

6 **SEC. 301. DEFINITIONS.**

7 *In this title:*

8 (1) *COSTS.*—*The term “costs” refers to the fees*
9 *and costs described in section 1920 of title 28, United*
10 *States Code.*

11 (2) *EXPENSES.*—*The term “expenses” includes*
12 *the expenditures incurred by the staff of the Secretary*
13 *concerned in preparing for and responding to a legal*
14 *challenge to a collaborative forest management activ-*
15 *ity and in participating in litigation that challenges*
16 *the forest management activity, including such staff*
17 *time as may be used to prepare the administrative*
18 *record, exhibits, declarations, and affidavits in con-*
19 *nection with the litigation.*

20 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**
21 **LENGE OF CERTAIN FOREST MANAGEMENT**
22 **ACTIVITIES.**

23 (a) *BOND REQUIRED.*—*In the case of a forest manage-*
24 *ment activity developed through a collaborative process or*
25 *proposed by a resource advisory committee, any plaintiff*

1 *or plaintiffs challenging the forest management activity*
2 *shall be required to post a bond or other security equal to*
3 *the anticipated costs, expenses, and attorneys fees of the Sec-*
4 *retary concerned as defendant, as reasonably estimated by*
5 *the Secretary concerned. All proceedings in the action shall*
6 *be stayed until the required bond or security is provided.*

7 (b) *RECOVERY OF LITIGATION COSTS, EXPENSES, AND*
8 *ATTORNEYS FEES.—*

9 (1) *MOTION FOR PAYMENT.—If the Secretary*
10 *concerned prevails in an action challenging a forest*
11 *management activity described in subsection (a), the*
12 *Secretary concerned shall submit to the court a mo-*
13 *tion for payment, from the bond or other security*
14 *posted under subsection (a) in such action, of the rea-*
15 *sonable costs, expenses, and attorneys fees incurred by*
16 *the Secretary concerned.*

17 (2) *MAXIMUM AMOUNT RECOVERED.—The*
18 *amount of costs, expenses, and attorneys fees recovered*
19 *by the Secretary concerned under paragraph (1) as a*
20 *result of prevailing in an action challenging the forest*
21 *management activity may not exceed the amount of*
22 *the bond or other security posted under subsection (a)*
23 *in such action.*

24 (3) *RETURN OF REMAINDER.—Any funds re-*
25 *maining from the bond or other security posted under*

1 subsection (a) after the payment of costs, expenses,
2 and attorneys fees under paragraph (1) shall be re-
3 turned to the plaintiff or plaintiffs that posted the
4 bond or security in the action.

5 (c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

6 (1) IN GENERAL.—If the plaintiff ultimately pre-
7 vails on the merits in every action brought by the
8 plaintiff challenging a forest management activity de-
9 scribed in subsection (a), the court shall return to the
10 plaintiff any bond or security provided by the plain-
11 tiff under subsection (a), plus interest from the date
12 the bond or security was provided.

13 (2) ULTIMATELY PREVAILS ON THE MERITS.—In
14 this subsection, the phrase “ultimately prevails on the
15 merits” means, in a final enforceable judgment on the
16 merits, a court rules in favor of the plaintiff on every
17 cause of action in every action brought by the plain-
18 tiff challenging the forest management activity.

19 (d) EFFECT OF SETTLEMENT.—If a challenge to a for-
20 est management activity described in subsection (a) for
21 which a bond or other security was provided by the plaintiff
22 under such subsection is resolved by settlement between the
23 Secretary concerned and the plaintiff, the settlement agree-
24 ment shall provide for sharing the costs, expenses, and at-
25 torneys fees incurred by the parties.

1 (e) *LIMITATION ON CERTAIN PAYMENTS.*—Notwith-
 2 standing section 1304 of title 31, United States Code, no
 3 award may be made under section 2412 of title 28, United
 4 States Code, and no amounts may be obligated or expended
 5 from the Claims and Judgment Fund of the United States
 6 Treasury to pay any fees or other expenses under such sec-
 7 tions to any plaintiff related to an action challenging a
 8 forest management activity described in subsection (a).

9 **TITLE IV—SECURE RURAL**
 10 **SCHOOLS AND COMMUNITY**
 11 **SELF-DETERMINATION ACT**
 12 **AMENDMENTS**

13 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
 14 **PROJECTS ON FEDERAL LAND AND CERTAIN**
 15 **NON-FEDERAL LAND.**

16 (a) *REPEAL OF MERCHANTABLE TIMBER CON-*
 17 *TRACTING PILOT PROGRAM.*—Section 204(e) of the Secure
 18 Rural Schools and Community Self-Determination Act of
 19 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph
 20 (3).

21 (b) *REQUIREMENTS FOR PROJECT FUNDS.*—Section
 22 204 of the Secure Rural Schools and Community Self-De-
 23 termination Act of 2000 (16 U.S.C. 7124) is amended by
 24 striking subsection (f) and inserting the following new sub-
 25 section:

1 “(f) *REQUIREMENTS FOR PROJECT FUNDS.*—

2 “(1) *IN GENERAL.*—Subject to paragraph (2), the
3 Secretary concerned shall ensure that at least 50 per-
4 cent of the project funds reserved by a participating
5 county under section 102(d) shall be available only
6 for projects that—

7 “(A) include the sale of timber or other for-
8 est products, reduce fire risks, or improve water
9 supplies; and

10 “(B) implement stewardship objectives that
11 enhance forest ecosystems or restore and improve
12 land health and water quality.

13 “(2) *APPLICABILITY.*—The requirement in para-
14 graph (1) shall apply only to project funds reserved
15 by a participating county whose boundaries include
16 Federal land that the Secretary concerned determines
17 has been subject to a timber or other forest products
18 program within 5 fiscal years before the fiscal year
19 in which the funds are reserved.”.

20 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

21 (a) *RECOGNITION OF RESOURCE ADVISORY COMMIT-*
22 *TEES.*—Section 205(a)(4) of the Secure Rural Schools and
23 Community Self-Determination Act of 2000 (16 U.S.C.
24 7125(a)(4)) is amended by striking “2012” each place it
25 appears and inserting “2020”.

1 **(b) TEMPORARY REDUCTION IN COMPOSITION OF COM-**
2 **MITTEES.**—*Section 205(d) of the Secure Rural Schools and*
3 *Community Self-Determination Act of 2000 (16 U.S.C.*
4 *7125(d)) is amended—*

5 (1) *in paragraph (1), by striking “Each” and*
6 *inserting “Except during the period specified in*
7 *paragraph (6), each”;* and

8 (2) *by adding at the end the following new para-*
9 *graph:*

10 **“(6) TEMPORARY REDUCTION IN MINIMUM NUM-**
11 **BER OF MEMBERS.**—

12 **“(A) TEMPORARY REDUCTION.**—*During the*
13 *period beginning on the date of the enactment of*
14 *this paragraph and ending on September 30,*
15 *2020, a resource advisory committee established*
16 *under this section may be comprised of nine or*
17 *more members, of which—*

18 (1) *“(i) at least three shall be representa-*
19 *tive of interests described in subparagraph*
20 *(A) of paragraph (2);*

21 (2) *“(ii) at least three shall be representa-*
22 *tive of interests described in subparagraph*
23 *(B) of paragraph (2); and*

1 “(iii) at least three shall be representa-
2 tive of interests described in subparagraph
3 (C) of paragraph (2).

4 “(B) *ADDITIONAL REQUIREMENTS.*—In ap-
5 pointing members of a resource advisory com-
6 mittee from the three categories described in
7 paragraph (2), as provided in subparagraph (A),
8 the Secretary concerned shall ensure balanced
9 and broad representation in each category. In
10 the case of a vacancy on a resource advisory
11 committee, the vacancy shall be filled within 90
12 days after the date on which the vacancy oc-
13 curred. Appointments to a new resource advisory
14 committee shall be made within 90 days after the
15 date on which the decision to form the new re-
16 source advisory committee was made.

17 “(C) *CHARTER.*—A charter for a resource
18 advisory committee with 15 members that was
19 filed on or before the date of the enactment of
20 this paragraph shall be considered to be filed for
21 a resource advisory committee described in this
22 paragraph. The charter of a resource advisory
23 committee shall be reapproved before the expira-
24 tion of the existing charter of the resource advi-
25 sory committee. In the case of a new resource ad-

1 *visory committee, the charter of the resource ad-*
 2 *visory committee shall be approved within 90*
 3 *days after the date on which the decision to form*
 4 *the new resource advisory committee was made.”.*

5 *(c) CONFORMING CHANGE TO PROJECT APPROVAL RE-*
 6 *QUIREMENTS.—Section 205(e)(3) of the Secure Rural*
 7 *Schools and Community Self-Determination Act of 2000*
 8 *(16 U.S.C. 7125(e)(3)) is amended by adding at the end*
 9 *the following new sentence: “In the case of a resource advi-*
 10 *sory committee consisting of fewer than 15 members, as au-*
 11 *thorized by subsection (d)(6), a project may be proposed to*
 12 *the Secretary concerned upon approval by a majority of*
 13 *the members of the committee, including at least one mem-*
 14 *ber from each of the three categories described in subsection*
 15 *(d)(2).”.*

16 *(d) EXPANDING LOCAL PARTICIPATION ON COMMIT-*
 17 *TEES.—Section 205(d) of the Secure Rural Schools and*
 18 *Community Self-Determination Act of 2000 (16 U.S.C.*
 19 *7125(d)) is amended—*

20 *(1) in paragraph (3), by inserting before the pe-*
 21 *riod at the end the following: “, consistent with the*
 22 *requirements of paragraph (4)”;* and

23 *(2) by striking paragraph (4) and inserting the*
 24 *following new paragraph:*

1 “(4) *GEOGRAPHIC DISTRIBUTION.*—*The members*
 2 *of a resource advisory committee shall reside within*
 3 *the county or counties in which the committee has ju-*
 4 *risdiction or an adjacent county.”.*

5 **SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-**
 6 **SOURCE ADVISORY COMMITTEE PROJECTS.**

7 (a) *SELF-SUSTAINING RESOURCE ADVISORY COM-*
 8 *MITTEE PROJECTS.*—*Title II of the Secure Rural Schools*
 9 *and Community Self-Determination Act of 2000 (16 U.S.C.*
 10 *7121 et seq.) is amended by adding at the end the following*
 11 *new section:*

12 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
 13 **VISORY COMMITTEE PROJECTS.**

14 “(a) *RAC PROGRAM.*—*The Chief of the Forest Service*
 15 *shall conduct a program (to be known as the ‘self-sustaining*
 16 *resource advisory committee program’ or ‘RAC program’)*
 17 *under which 10 resource advisory committees will propose*
 18 *projects authorized by subsection (c) to be carried out using*
 19 *project funds reserved by a participating county under sec-*
 20 *tion 102(d).*

21 “(b) *SELECTION OF PARTICIPATING RESOURCE ADVI-*
 22 *SORY COMMITTEES.*—*The selection of resource advisory*
 23 *committees to participate in the RAC program is in the*
 24 *sole discretion of the Chief of the Forest Service, except that,*

1 *consistent with section 205(d)(6), a selected resource advi-*
2 *sory committee must have a minimum of six members.*

3 “(c) *AUTHORIZED PROJECTS.—Notwithstanding the*
4 *project purposes specified in sections 202(b), 203(c), and*
5 *204(a)(5), projects under the RAC program are intended*
6 *to—*

7 “(1) *accomplish forest management objectives or*
8 *support community development; and*

9 “(2) *generate receipts.*

10 “(d) *DEPOSIT AND AVAILABILITY OF REVENUES.—*
11 *Any revenue generated by a project conducted under the*
12 *RAC program, including any interest accrued from the rev-*
13 *enues, shall be—*

14 “(1) *deposited in the special account in the*
15 *Treasury established under section 102(d)(2)(A); and*

16 “(2) *available, in such amounts as may be pro-*
17 *vided in advance in appropriation Acts, for addi-*
18 *tional projects under the RAC program.*

19 “(e) *TERMINATION OF AUTHORITY.—*

20 “(1) *IN GENERAL.—The authority to initiate a*
21 *project under the RAC program shall terminate on*
22 *September 30, 2020.*

23 “(2) *DEPOSITS IN TREASURY.—Any funds avail-*
24 *able for projects under the RAC program and not ob-*

1 *ligated by September 30, 2021, shall be deposited in*
2 *the Treasury of the United States.”.*

3 (b) *EXCEPTION TO GENERAL RULE REGARDING*
4 *TREATMENT OF RECEIPTS.—Section 403(b) of the Secure*
5 *Rural Schools and Community Self-Determination Act of*
6 *2000 (16 U.S.C. 7153(b)) is amended by striking “All reve-*
7 *nues” and inserting “Except as provided in section 209,*
8 *all revenues”.*

9 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
10 **FUNDS FOR TITLE III COUNTY PROJECTS.**

11 *Section 302(a) of the Secure Rural Schools and Com-*
12 *munity Self-Determination Act of 2000 (16 U.S.C. 7142(a))*
13 *is amended—*

14 (1) *in paragraph (2)—*

15 (A) *by inserting “and law enforcement pa-*
16 *trols” after “including firefighting”; and*

17 (B) *by striking “and” at the end;*

18 (2) *by redesignating paragraph (3) as para-*
19 *graph (4); and*

20 (3) *by inserting after paragraph (2) the fol-*
21 *lowing new paragraph (3):*

22 “(3) *to cover training costs and equipment pur-*
23 *chases directly related to the emergency services de-*
24 *scribed in paragraph (2); and”.*

1 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

2 *Section 102 of the Secure Rural Schools and Commu-*
 3 *nity Self-Determination Act of 2000 (16 U.S.C. 7112) is*
 4 *amended by adding at the end the following new subsection:*

5 “(f) *TREATMENT AS SUPPLEMENTAL FUNDING.—None*
 6 *of the funds made available to a beneficiary county or other*
 7 *political subdivision of a State under this Act shall be used*
 8 *in lieu of or to otherwise offset State funding sources for*
 9 *local schools, facilities, or educational purposes.”.*

10 **TITLE V—STEWARDSHIP END**
 11 **RESULT CONTRACTING**

12 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
 13 **END RESULT CONTRACTING PROJECTS.**

14 (a) *CANCELLATION CEILINGS.—Section 604 of the*
 15 *Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c)*
 16 *is amended—*

17 (1) *by redesignating subsections (h) and (i) as*
 18 *subsections (i) and (j), respectively; and*

19 (2) *by inserting after subsection (g) the following*
 20 *new subsection (h):*

21 “(h) *CANCELLATION CEILINGS.—*

22 (1) *IN GENERAL.—The Chief and the Director*
 23 *may obligate funds to cover any potential cancella-*
 24 *tion or termination costs for an agreement or contract*
 25 *under subsection (b) in stages that are economically*
 26 *or programmatically viable.*

1 “(2) *ADVANCE NOTICE TO CONGRESS OF CAN-*
2 *CELLATION CEILING IN EXCESS OF \$25 MILLION.—Not*
3 *later than 30 days before entering into a multiyear*
4 *agreement or contract under subsection (b) that in-*
5 *cludes a cancellation ceiling in excess of \$25 million,*
6 *but does not include proposed funding for the costs of*
7 *cancelling the agreement or contract up to such can-*
8 *cellation ceiling, the Chief or the Director, as the case*
9 *may be, shall submit to the Committee on Energy and*
10 *Natural Resources and the Committee on Agriculture,*
11 *Nutrition, and Forestry of the Senate and the Com-*
12 *mittee on Natural Resources and the Committee on*
13 *Agriculture of the House of Representatives a written*
14 *notice that includes—*

15 “(A) *the cancellation ceiling amounts pro-*
16 *posed for each program year in the agreement or*
17 *contract;*

18 “(B) *the reasons why such cancellation ceil-*
19 *ing amounts were selected;*

20 “(C) *the extent to which the costs of contract*
21 *cancellation are not included in the budget for*
22 *the agreement or contract; and*

23 “(D) *an assessment of the financial risk of*
24 *not including budgeting for the costs of agree-*
25 *ment or contract cancellation.*

1 “(3) *TRANSMITTAL OF NOTICE TO OMB.*—Not
2 *later than 14 days after the date on which written no-*
3 *tice is provided under paragraph (2) with respect to*
4 *an agreement or contract under subsection (b), the*
5 *Chief or the Director, as the case may be, shall trans-*
6 *mit a copy of the notice to the Director of the Office*
7 *of Management and Budget.”.*

8 (b) *RELATION TO OTHER LAWS.*—Section 604(d)(5) of
9 *the Healthy Forests Restoration Act of 2003 (16 U.S.C.*
10 *6591c(d)(5)) is amended by striking “, the Chief may” and*
11 *inserting “and section 2(a)(1) of the Act of July 31, 1947*
12 *(commonly known as the Materials Act of 1947; 30 U.S.C.*
13 *602(a)(1)), the Chief and the Director may”.*

14 **SEC. 502. EXCESS OFFSET VALUE.**

15 Section 604(g)(2) of the *Healthy Forests Restoration*
16 *Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking*
17 *subparagraphs (A) and (B) and inserting the following new*
18 *subparagraphs:*

19 “(A) *use the excess to satisfy any out-*
20 *standing liabilities for cancelled agreements or*
21 *contracts; or*

22 “(B) *if there are no outstanding liabilities*
23 *under subparagraph (A), apply the excess to*
24 *other authorized stewardship projects.”.*

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
2 **PROJECT REVENUES TO COUNTY IN WHICH**
3 **STEWARDSHIP PROJECT OCCURS.**

4 *Section 604(e) of the Healthy Forests Restoration Act*
5 *of 2003 (16 U.S.C. 6591c(e)) is amended—*

6 *(1) in paragraph (2)(B), by inserting “subject to*
7 *paragraph (3)(A),” before “shall”; and*

8 *(2) in paragraph (3)(A), by striking “services re-*
9 *ceived by the Chief or the Director” and all that fol-*
10 *lows through the period at the end and inserting the*
11 *following: “services and in-kind resources received by*
12 *the Chief or the Director under a stewardship con-*
13 *tract project conducted under this section shall not be*
14 *considered monies received from the National Forest*
15 *System or the public lands, but any payments made*
16 *by the contractor to the Chief or Director under the*
17 *project shall be considered monies received from the*
18 *National Forest System or the public lands.”.*

19 **SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.**

20 *Subsection (j) of section 604 of the Healthy Forests*
21 *Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated*
22 *by section 501(a)(1), is amended by striking “report to the*
23 *Committee on Agriculture, Nutrition, and Forestry of the*
24 *Senate and the Committee on Agriculture of the House of*
25 *Representatives” and inserting “submit to the congressional*
26 *committees specified in subsection (h)(2) a report”.*

1 **SEC. 505. FIRE LIABILITY PROVISION.**

2 *Section 604(d) of the Healthy Forests Restoration Act*
 3 *of 2003 (16 U.S.C. 6591c(d)) is amended by adding at the*
 4 *end the following new paragraph:*

5 “(8) *MODIFICATION.*—*Upon the request of the*
 6 *contractor, a contract or agreement under this section*
 7 *awarded before February 7, 2014, shall be modified*
 8 *by the Chief or Director to include the fire liability*
 9 *provisions described in paragraph (7).”.*

10 **TITLE VI—ADDITIONAL FUNDING**
 11 **SOURCES FOR FOREST MAN-**
 12 **AGEMENT ACTIVITIES**

13 **SEC. 601. DEFINITIONS.**

14 *In this title:*

15 (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
 16 *ty” means—*

17 (A) *a State or political subdivision of a*
 18 *State containing National Forest System lands*
 19 *or public lands;*

20 (B) *a publicly chartered utility serving one*
 21 *or more States or a political subdivision thereof;*

22 (C) *a rural electric company; and*

23 (D) *any other entity determined by the Sec-*
 24 *retary concerned to be appropriate for participa-*
 25 *tion in the Fund.*

1 (2) *FUND.*—*The term “Fund” means the State-*
 2 *Supported Forest Management Fund established by*
 3 *section 603.*

4 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
 5 **NUES AND COLLABORATIVE FOREST LAND-**
 6 **SCAPE RESTORATION FUND TO COVER FOR-**
 7 **EST MANAGEMENT ACTIVITY PLANNING**
 8 **COSTS.**

9 (a) *AVAILABILITY OF STEWARDSHIP PROJECT REVE-*
 10 *NUES.*—*Section 604(e)(2)(B) of the Healthy Forests Res-*
 11 *toration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amend-*
 12 *ed by section 503, is further amended by striking “appro-*
 13 *priation at the project site from which the monies are col-*
 14 *lected or at another project site.” and inserting the fol-*
 15 *lowing: “appropriation—*

16 *“(i) at the project site from which the*
 17 *monies are collected or at another project*
 18 *site; and*

19 *“(ii) to cover not more than 25 percent*
 20 *of the cost of planning additional steward-*
 21 *ship contracting projects.”.*

22 (b) *AVAILABILITY OF COLLABORATIVE FOREST LAND-*
 23 *SCAPE RESTORATION FUND.*—*Section 4003(f)(1) of the Om-*
 24 *nibus Public Land Management Act of 2009 (16 U.S.C.*

1 7303(f)(1)) is amended by striking “carrying out and” and
 2 inserting “planning, carrying out, and”.

3 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
 4 **AGEMENT ACTIVITIES.**

5 (a) *STATE-SUPPORTED FOREST MANAGEMENT*
 6 *FUND.*—There is established in the Treasury of the United
 7 States a fund, to be known as the “State-Supported Forest
 8 Management Fund”, to cover the cost of planning (espe-
 9 cially related to compliance with section 102(2) of the Na-
 10 tional Environmental Policy Act of 1969 (42 U.S.C.
 11 4332(2))), carrying out, and monitoring certain forest
 12 management activities on National Forest System lands or
 13 public lands.

14 (b) *CONTENTS.*—The State-Supported Forest Manage-
 15 ment Fund shall consist of such amounts as may be—

16 (1) contributed by an eligible entity for deposit
 17 in the Fund;

18 (2) appropriated to the Fund; or

19 (3) generated by forest management activities
 20 carried out using amounts in the Fund.

21 (c) *GEOGRAPHICAL AND USE LIMITATIONS.*—In mak-
 22 ing a contribution under subsection (b)(1), an eligible enti-
 23 ty may—

1 (1) *specify the National Forest System lands or*
2 *public lands for which the contribution may be ex-*
3 *pende*d; and

4 (2) *limit the types of forest management activi-*
5 *ties for which the contribution may be expended.*

6 (d) *AUTHORIZED FOREST MANAGEMENT ACTIVI-*
7 *TIES.—In such amounts as may be provided in advance*
8 *in appropriation Acts, the Secretary concerned may use the*
9 *Fund to plan, carry out, and monitor a forest management*
10 *activity that—*

11 (1) *is developed through a collaborative process;*

12 (2) *is proposed by a resource advisory com-*
13 *mittee; or*

14 (3) *is covered by a community wildfire protec-*
15 *tion plan.*

16 (e) *IMPLEMENTATION METHODS.—A forest manage-*
17 *ment activity carried out using amounts in the Fund may*
18 *be carried out using a contract or agreement under section*
19 *604 of the Healthy Forests Restoration Act of 2003 (16*
20 *U.S.C. 6591c), the good neighbor authority provided by sec-*
21 *tion 8206 of the Agricultural Act of 2014 (16 U.S.C.*
22 *2113a), a contract under section 14 of the National Forest*
23 *Management Act of 1976 (16 U.S.C. 472a), or other author-*
24 *ity available to the Secretary concerned, but revenues gen-*
25 *erated by the forest management activity shall be used to*

1 *reimburse the Fund for planning costs covered using*
2 *amounts in the Fund.*

3 *(f) RELATION TO OTHER LAWS.—*

4 *(1) REVENUE SHARING.—Subject to subsection*
5 *(e), revenues generated by a forest management activ-*
6 *ity carried out using amounts from the Fund shall be*
7 *considered monies received from the National Forest*
8 *System.*

9 *(2) KNUTSON-VANDERBERG ACT.—The Act of*
10 *June 9, 1930 (commonly known as the Knutson-*
11 *Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply to*
12 *any forest management activity carried out using*
13 *amounts in the Fund.*

14 *(g) TERMINATION OF FUND.—*

15 *(1) TERMINATION.—The Fund shall terminate*
16 *10 years after the date of the enactment of this Act.*

17 *(2) EFFECT OF TERMINATION.—Upon the termi-*
18 *nation of the Fund pursuant to paragraph (1) or*
19 *pursuant to any other provision of law, unobligated*
20 *contributions remaining in the Fund shall be re-*
21 *turned to the eligible entity that made the contribu-*
22 *tion.*

1 **TITLE VII—TRIBAL FORESTRY**
 2 **PARTICIPATION AND PROTEC-**
 3 **TION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
 5 **THROUGH USE OF STEWARDSHIP END RE-**
 6 **SULT CONTRACTING AND OTHER AUTHORI-**
 7 **TIES.**

8 (a) *PROMPT CONSIDERATION OF TRIBAL RE-*
 9 *QUESTS.*—Section 2(b) of the Tribal Forest Protection Act
 10 of 2004 (25 U.S.C. 3115a(b)) is amended—

11 (1) in paragraph (1), by striking “Not later than
 12 120 days after the date on which an Indian tribe sub-
 13 mits to the Secretary” and inserting “In response to
 14 the submission by an Indian tribe of”; and

15 (2) by adding at the end the following new para-
 16 graph:

17 “(4) *TIME PERIODS FOR CONSIDERATION.*—

18 “(A) *INITIAL RESPONSE.*—Not later than
 19 120 days after the date on which the Secretary
 20 receives a tribal request under paragraph (1), the
 21 Secretary shall provide an initial response to the
 22 Indian tribe regarding—

23 “(i) whether the request may meet the
 24 selection criteria described in subsection (c);
 25 and

1 “(i) the likelihood of the Secretary en-
2 tering into an agreement or contract with
3 the Indian tribe under paragraph (2) for
4 activities described in paragraph (3).

5 “(B) NOTICE OF DENIAL.—Notice under
6 subsection (d) of the denial of a tribal request
7 under paragraph (1) shall be provided not later
8 than 1 year after the date on which the Sec-
9 retary received the request.

10 “(C) COMPLETION.—Not later than 2 years
11 after the date on which the Secretary receives a
12 tribal request under paragraph (1), other than a
13 tribal request denied under subsection (d), the
14 Secretary shall—

15 “(i) complete all environmental reviews
16 necessary in connection with the agreement
17 or contract and proposed activities under
18 the agreement or contract; and

19 “(ii) enter into the agreement or con-
20 tract with the Indian tribe under para-
21 graph (2).”.

22 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
23 Section 2 of the Tribal Forest Protection Act of 2004 (25
24 U.S.C. 3115a) is amended—

1 (1) *in subsections (b)(1) and (f)(1), by striking*
 2 *“section 347 of the Department of the Interior and*
 3 *Related Agencies Appropriations Act, 1999 (16*
 4 *U.S.C. 2104 note; Public Law 105–277) (as amended*
 5 *by section 323 of the Department of the Interior and*
 6 *Related Agencies Appropriations Act, 2003 (117 Stat.*
 7 *275))” and inserting “section 604 of the Healthy For-*
 8 *ests Restoration Act of 2003 (16 U.S.C. 6591c)”;* and
 9 (2) *in subsection (d), by striking “subsection*
 10 *(b)(1), the Secretary may” and inserting “paragraphs*
 11 *(1) and (4)(B) of subsection (b), the Secretary shall”.*

12 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
 13 **IZED TO INCLUDE RELATED NATIONAL FOR-**
 14 **EST SYSTEM LANDS AND PUBLIC LANDS.**

15 *Section 305 of the National Indian Forest Resources*
 16 *Management Act (25 U.S.C. 3104) is amended by adding*
 17 *at the end the following new subsection:*

18 “(c) **INCLUSION OF CERTAIN NATIONAL FOREST SYS-**
 19 **TEM LAND AND PUBLIC LAND.—**

20 “(1) **AUTHORITY.—***At the request of an Indian*
 21 *tribe, the Secretary concerned may treat Federal for-*
 22 *est land as Indian forest land for purposes of plan-*
 23 *ning and conducting forest land management activi-*
 24 *ties under this section if the Federal forest land is lo-*
 25 *cated within, or mostly within, a geographic area*

1 *that presents a feature or involves circumstances*
2 *principally relevant to that Indian tribe, such as Fed-*
3 *eral forest land ceded to the United States by treaty,*
4 *Federal forest land within the boundaries of a current*
5 *or former reservation, or Federal forest land adju-*
6 *dicated to be tribal homelands.*

7 “(2) *REQUIREMENTS.—As part of the agreement*
8 *to treat Federal forest land as Indian forest land*
9 *under paragraph (1), the Secretary concerned and the*
10 *Indian tribe making the request shall—*

11 “(A) *provide for continued public access ap-*
12 *plicable to the Federal forest land prior to the*
13 *agreement, except that the Secretary concerned*
14 *may limit or prohibit such access as needed;*

15 “(B) *continue sharing revenue generated by*
16 *the Federal forest land with State and local gov-*
17 *ernments either—*

18 “(i) *on the terms applicable to the Fed-*
19 *eral forest land prior to the agreement, in-*
20 *cluding, where applicable, 25-percent pay-*
21 *ments or 50-percent payments; or*

22 “(ii) *at the option of the Indian tribe,*
23 *on terms agreed upon by the Indian tribe,*
24 *the Secretary concerned, and State and*
25 *county governments participating in a rev-*

1 *enue sharing agreement for the Federal for-*
2 *est land;*

3 *“(C) comply with applicable prohibitions*
4 *on the export of unprocessed logs harvested from*
5 *the Federal forest land;*

6 *“(D) recognize all right-of-way agreements*
7 *in place on Federal forest land prior to com-*
8 *mencement of tribal management activities; and*

9 *“(E) ensure that all commercial timber re-*
10 *moved from the Federal forest land is sold on a*
11 *competitive bid basis.*

12 *“(3) LIMITATION.—Treating Federal forest land*
13 *as Indian forest land for purposes of planning and*
14 *conducting management activities pursuant to para-*
15 *graph (1) shall not be construed to designate the Fed-*
16 *eral forest land as Indian forest lands for any other*
17 *purpose.*

18 *“(4) DEFINITIONS.—In this subsection:*

19 *“(A) FEDERAL FOREST LAND.—The term*
20 *‘Federal forest land’ means—*

21 *“(i) National Forest System lands; and*

22 *“(ii) public lands (as defined in sec-*
23 *tion 103(e) of the Federal Land Policy and*
24 *Management Act of 1976 (43 U.S.C.*
25 *1702(e))), including Coos Bay Wagon Road*

1 *Grant lands reconveyed to the United States*
2 *pursuant to the first section of the Act of*
3 *February 26, 1919 (40 Stat. 1179), and Or-*
4 *egon and California Railroad Grant lands.*

5 “(B) *SECRETARY CONCERNED.*—*The term*
6 *‘Secretary concerned’ means—*

7 “(i) *the Secretary of Agriculture, with*
8 *respect to the Federal forest land referred to*
9 *in subparagraph (A)(i); and*

10 “(ii) *the Secretary of the Interior, with*
11 *respect to the Federal forest land referred to*
12 *in subparagraph (A)(ii).”.*

13 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
14 **PROJECT.**

15 *The Secretary of the Interior and the Secretary of Ag-*
16 *riculture may carry out demonstration projects by which*
17 *federally recognized Indian tribes or tribal organizations*
18 *may contract to perform administrative, management, and*
19 *other functions of programs of the Tribal Forest Protection*
20 *Act of 2004 (25 U.S.C. 3115a et seq.) through contracts en-*
21 *tered into under the Indian Self-Determination and Edu-*
22 *cation Assistance Act (25 U.S.C. 450 et seq.).*

1 **TITLE VIII—MISCELLANEOUS**
 2 **FOREST MANAGEMENT PRO-**
 3 **VISIONS**

4 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS OF**
 5 **FOREST MANAGEMENT ACTIVITIES IN CON-**
 6 **SIDERING INJUNCTIVE RELIEF.**

7 *As part of its weighing the equities while considering*
 8 *any request for an injunction that applies to any agency*
 9 *action as part of a forest management activity under titles*
 10 *I through VIII, the court reviewing the agency action shall*
 11 *balance the impact to the ecosystem likely affected by the*
 12 *forest management activity of—*

13 *(1) the short- and long-term effects of under-*
 14 *taking the agency action; against*

15 *(2) the short- and long-term effects of not under-*
 16 *taking the action.*

17 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
 18 **MISSIONING.**

19 *(a) CONSULTATION WITH AFFECTED COUNTY.—When-*
 20 *ever any Forest Service defined maintenance level one- or*
 21 *two-system road within a designated high fire prone area*
 22 *of a unit of the National Forest System is considered for*
 23 *decommissioning, the Forest Supervisor of that unit of the*
 24 *National Forest System shall—*

1 (1) *consult with the government of the county*
2 *containing the road regarding the merits and possible*
3 *consequences of decommissioning the road; and*

4 (2) *solicit possible alternatives to decommis-*
5 *sioning the road.*

6 (b) *REGIONAL FORESTER APPROVAL.—A Forest Serv-*
7 *ice road described in subsection (a) may not be decommis-*
8 *sioned without the advance approval of the Regional For-*
9 *ester.*

10 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
11 **SCREENS REQUIREMENTS ON NATIONAL FOR-**
12 **EST SYSTEM LANDS.**

13 *On and after the date of the enactment of this Act,*
14 *the Secretary of Agriculture may not apply to National*
15 *Forest System lands any of the amendments to forest plans*
16 *adopted in the Decision Notice for the Revised Continuation*
17 *of Interim Management Direction Establishing Riparian,*
18 *Ecosystem and Wildlife Standards for Timber Sales (com-*
19 *monly known as the Eastside Screens requirements), in-*
20 *cluding all preceding or associated versions of these amend-*
21 *ments.*

1 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
2 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
3 **TIES.**

4 *If the Secretary concerned determines that, in order*
5 *to conduct a project or carry out an activity implementing*
6 *a forest plan, an amendment to the forest plan is required,*
7 *the Secretary concerned shall execute such amendment as*
8 *a nonsignificant plan amendment through the record of de-*
9 *cision or decision notice for the project or activity.*

10 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

11 *(a) DEPOSITS OF FUNDS FROM NATIONAL FOREST*
12 *TIMBER PURCHASERS REQUIRED.—Section 3(a) of the Act*
13 *of June 9, 1930 (commonly known as the Knutson-Vanden-*
14 *berg Act; 16 U.S.C. 576b(a)), is amended by striking “The*
15 *Secretary” and all that follows through “any purchaser”*
16 *and inserting the following: “The Secretary of Agriculture*
17 *shall require each purchaser”.*

18 *(b) CONDITIONS ON USE OF DEPOSITS.—Section 3 of*
19 *the Act of June 9, 1930 (commonly known as the Knutson-*
20 *Vandenberg Act; 16 U.S.C. 576b), is amended—*

21 *(1) by striking “Such deposits” and inserting the*
22 *following:*

23 *“(b) Amounts deposited under subsection (a)”;*

24 *(2) by redesignating subsection (c) as subsection*
25 *(d); and*

1 (3) by inserting before subsection (d), as so reded-
2 ignated, the following new subsection (c):

3 “(c)(1) Amounts in the special fund established pursu-
4 ant to this section—

5 “(A) shall be used exclusively to implement ac-
6 tivities authorized by subsection (a); and

7 “(B) may be used anywhere within the Forest
8 Service Region from which the original deposits were
9 collected.

10 “(2) The Secretary of Agriculture may not deduct over-
11 head costs from the funds collected under subsection (a), ex-
12 cept as needed to fund personnel of the responsible Ranger
13 District for the planning and implementation of the activi-
14 ties authorized by subsection (a).”.

15 **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
16 **TEM LANDS AND PUBLIC LANDS.**

17 Unless specifically provided by a provision of titles I
18 through VIII, the authorities provided by such titles do not
19 apply with respect to any National Forest System lands
20 or public lands—

21 (1) that are included in the National Wilderness
22 Preservation System;

23 (2) that are located within an inventoried
24 roadless area unless the forest management activity to

1 *be carried out under such authority is consistent with*
 2 *the forest plan applicable to the area; or*

3 *(3) on which timber harvesting for any purpose*
 4 *is prohibited by statute.*

5 **SEC. 807. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
 6 **VEY AND MANAGE MITIGATION MEASURE**
 7 **STANDARD AND GUIDELINES.**

8 *The Northwest Forest Plan Survey and Manage Miti-*
 9 *gation Measure Standard and Guidelines shall not apply*
 10 *to any National Forest System lands or public lands.*

11 **SEC. 808. MANAGEMENT OF BUREAU OF LAND MANAGE-**
 12 **MENT LANDS IN WESTERN OREGON.**

13 *(a) GENERAL RULE.—All of the public land managed*
 14 *by the Bureau of Land Management in the Salem District,*
 15 *Eugene District, Roseburg District, Coos Bay District, Med-*
 16 *ford District, and the Klamath Resource Area of the*
 17 *Lakeview District in the State of Oregon shall hereafter be*
 18 *managed pursuant to title I of the of the Act of August 28,*
 19 *1937 (43 U.S.C. 1181a through 1181e). Except as provided*
 20 *in subsection (b), all of the revenue produced from such land*
 21 *shall be deposited in the Treasury of the United States in*
 22 *the Oregon and California land-grant fund and be subject*
 23 *to the provisions of title II of the Act of August 28, 1937*
 24 *(43 U.S.C. 1181f).*

1 **(b) CERTAIN LANDS EXCLUDED.**—*Subsection (a) does*
 2 *not apply to any revenue that is required to be deposited*
 3 *in the Coos Bay Wagon Road grant fund pursuant to sec-*
 4 *tions 1 through 4 of the Act of May 24, 1939 (43 U.S.C.*
 5 *1181f-1 through f-4).*

6 **SEC. 809. BUREAU OF LAND MANAGEMENT RESOURCE MAN-**
 7 **AGEMENT PLANS.**

8 **(a) ADDITIONAL ANALYSIS AND ALTERNATIVES.**—*To*
 9 *develop a full range of reasonable alternatives as required*
 10 *by the National Environmental Policy Act of 1969, the Sec-*
 11 *retary of the Interior shall develop and consider in detail*
 12 *a reference analysis and two additional alternatives as part*
 13 *of the revisions of the resource management plans for the*
 14 *Bureau of Land Management's Salem, Eugene, Coos Bay,*
 15 *Roseburg, and Medford Districts and the Klamath Resource*
 16 *Area of the Lakeview District.*

17 **(b) REFERENCE ANALYSIS.**—*The reference analysis re-*
 18 *quired by subsection (a) shall measure and assume the har-*
 19 *vest of the annual growth net of natural mortality for all*
 20 *forested land in the planning area in order to determine*
 21 *the maximum sustained yield capacity of the forested land*
 22 *base and to establish a baseline by which the Secretary of*
 23 *the Interior shall measure incremental effects on the sus-*
 24 *tained yield capacity and environmental impacts from*
 25 *management prescriptions in all other alternatives.*

1 (c) *ADDITIONAL ALTERNATIVES.*—

2 (1) *CARBON SEQUESTRATION ALTERNATIVE.*—

3 *The Secretary of the Interior shall develop and con-*
4 *sider an additional alternative with the goal of maxi-*
5 *mizing the total carbon benefits from forest storage*
6 *and wood product storage. To the extent practicable,*
7 *the analysis shall consider—*

8 (A) *the future risks to forest carbon from*
9 *wildfires, insects, and disease;*

10 (B) *the amount of carbon stored in products*
11 *or in landfills;*

12 (C) *the life cycle benefits of harvested wood*
13 *products compared to non-renewable products;*
14 *and*

15 (D) *the energy produced from wood resi-*
16 *dues.*

17 (2) *SUSTAINED YIELD ALTERNATIVE.*—*The Sec-*
18 *retary of the Interior shall develop and consider an*
19 *additional alternative that produces the greater of 500*
20 *million board feet or the annual net growth on the*
21 *acres classified as timberland, excluding any congres-*
22 *sionally reserved areas. The projected harvest levels,*
23 *as nearly as practicable, shall be distributed among*
24 *the Districts referred to in subsection (a) in the same*
25 *proportion as the maximum yield capacity of each*

1 *such District bears to maximum yield capacity of the*
2 *planning area as a whole.*

3 *(d) ADDITIONAL ANALYSIS AND PUBLIC PARTICIPA-*
4 *TION.—The Secretary of the Interior shall publish the ref-*
5 *erence analysis and additional alternatives and analyze*
6 *their environmental and economic consequences in a sup-*
7 *plemental draft environmental impact statement. The draft*
8 *environmental impact statement and supplemental draft*
9 *environmental impact statement shall be made available for*
10 *public comment for a period of not less than 180 days. The*
11 *Secretary shall respond to any comments received before*
12 *making a final decision between all alternatives.*

13 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
14 *shall affect the obligation of the Secretary of the Interior*
15 *to manage the timberlands as required by the Act of August*
16 *28, 1937 (50 Stat. 874; 43 U.S.C. 1181a–1181j).*

17 **SEC. 810. LANDSCAPE-SCALE FOREST RESTORATION**
18 **PROJECT.**

19 *The Secretary of Agriculture shall develop and imple-*
20 *ment at least one landscape-scale forest restoration project*
21 *that includes, as a defined purpose of the project, the gen-*
22 *eration of material that will be used to promote advanced*
23 *wood products. The project shall be developed through a col-*
24 *laborative process.*

1 **TITLE IX—MAJOR DISASTER FOR**
 2 **WILDFIRE ON FEDERAL LAND**

3 **SEC. 901. WILDFIRE ON FEDERAL LANDS.**

4 *Section 102(2) of the Robert T. Stafford Disaster Relief*
 5 *and Emergency Assistance Act (42 U.S.C. 5122(2)) is*
 6 *amended—*

7 *(1) by striking “(2)” and all that follows through*
 8 *“means” and inserting the following:*

9 *“(2) MAJOR DISASTER.—*

10 *“(A) MAJOR DISASTER.—The term ‘major*
 11 *disaster’ means”; and*

12 *(2) by adding at the end the following:*

13 *“(B) MAJOR DISASTER FOR WILDFIRE ON*
 14 *FEDERAL LANDS.—The term ‘major disaster for*
 15 *wildfire on Federal lands’ means any wildfire or*
 16 *wildfires, which in the determination of the*
 17 *President under section 802 warrants assistance*
 18 *under section 803 to supplement the efforts and*
 19 *resources of the Department of the Interior or the*
 20 *Department of Agriculture—*

21 *“(i) on Federal lands; or*

22 *“(ii) on non-Federal lands pursuant to*
 23 *a fire protection agreement or cooperative*
 24 *agreement.”.*

1 **SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILD-**
 2 **FIRE ON FEDERAL LANDS.**

3 *The Robert T. Stafford Disaster Relief and Emergency*
 4 *Assistance Act (42 U.S.C. 5170 et seq.) is amended by add-*
 5 *ing at the end the following:*

6 **“TITLE VIII—MAJOR DISASTER**
 7 **FOR WILDFIRE ON FEDERAL**
 8 **LAND**

9 **“SEC. 801. DEFINITIONS.**

10 *“As used in this title—*

11 *“(1) FEDERAL LAND.—The term ‘Federal land’*
 12 *means—*

13 *“(A) any land under the jurisdiction of the*
 14 *Department of the Interior; and*

15 *“(B) any land under the jurisdiction of the*
 16 *United States Forest Service.*

17 *“(2) FEDERAL LAND MANAGEMENT AGENCIES.—*
 18 *The term ‘Federal land management agencies’*
 19 *means—*

20 *“(A) the Bureau of Land Management;*

21 *“(B) the National Park Service;*

22 *“(C) the Bureau of Indian Affairs;*

23 *“(D) the United States Fish and Wildlife*
 24 *Service; and*

25 *“(E) the United States Forest Service.*

1 “(3) *WILDFIRE SUPPRESSION OPERATIONS.*—The
2 term ‘wildfire suppression operations’ means the
3 emergency and unpredictable aspects of wildland fire-
4 fighting, including support, response, emergency sta-
5 bilization activities, and other emergency manage-
6 ment activities of wildland firefighting on Federal
7 lands (or on non-Federal lands pursuant to a fire
8 protection agreement or cooperative agreement) by the
9 Federal land management agencies covered by the
10 wildfire suppression subactivity of the Wildland Fire
11 Management account or the FLAME Wildfire Sup-
12 pression Reserve Fund account of the Federal land
13 management agencies.

14 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
15 **DISASTER FOR WILDFIRE ON FEDERAL**
16 **LANDS.**

17 “(a) *IN GENERAL.*—The Secretary of the Interior or
18 the Secretary of Agriculture may submit a request to the
19 President consistent with the requirements of this title for
20 a declaration by the President that a major disaster for
21 wildfire on Federal lands exists.

22 “(b) *REQUIREMENTS.*—A request for a declaration by
23 the President that a major disaster for wildfire on Federal
24 lands exists shall—

1 “(1) be made in writing by the respective Sec-
2 retary;

3 “(2) certify that the amount appropriated in the
4 current fiscal year for wildfire suppression operations
5 of the Federal land management agencies under the
6 jurisdiction of the respective Secretary, net of any
7 concurrently enacted rescissions of wildfire suppres-
8 sion funds, increases the total unobligated balance of
9 amounts available for wildfire suppression by an
10 amount equal to or greater than the average total
11 costs incurred by the Federal land management agen-
12 cies per year for wildfire suppression operations, in-
13 cluding the suppression costs in excess of appro-
14 priated amounts, over the previous ten fiscal years;

15 “(3) certify that the amount available for wild-
16 fire suppression operations of the Federal land man-
17 agement agencies under the jurisdiction of the respec-
18 tive Secretary will be obligated not later than 30 days
19 after such Secretary notifies the President that wild-
20 fire suppression funds will be exhausted to fund ongo-
21 ing and anticipated wildfire suppression operations
22 related to the wildfire on which the request for the
23 declaration of a major disaster for wildfire on Federal
24 lands pursuant to this title is based; and

1 “(4) *specify the amount required in the current*
2 *fiscal year to fund wildfire suppression operations re-*
3 *lated to the wildfire on which the request for the dec-*
4 *laration of a major disaster for wildfire on Federal*
5 *lands pursuant to this title is based.*

6 “(c) *DECLARATION.—Based on the request of the re-*
7 *spective Secretary under this title, the President may de-*
8 *clare that a major disaster for wildfire on Federal lands*
9 *exists.*

10 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

11 “(a) *IN GENERAL.—In a major disaster for wildfire*
12 *on Federal lands, the President may transfer funds, only*
13 *from the account established pursuant to subsection (b), to*
14 *the Secretary of the Interior or the Secretary of Agriculture*
15 *to conduct wildfire suppression operations on Federal lands*
16 *(and non-Federal lands pursuant to a fire protection agree-*
17 *ment or cooperative agreement).*

18 “(b) *WILDFIRE SUPPRESSION OPERATIONS AC-*
19 *COUNT.—The President shall establish a specific account for*
20 *the assistance available pursuant to a declaration under*
21 *section 802. Such account may only be used to fund assist-*
22 *ance pursuant to this title.*

23 “(c) *LIMITATION.—*

24 “(1) *LIMITATION OF TRANSFER.—The assistance*
25 *available pursuant to a declaration under section 802*

1 *is limited to the transfer of the amount requested pur-*
2 *suant to section 802(b)(4). The assistance available*
3 *for transfer shall not exceed the amount contained in*
4 *the wildfire suppression operations account estab-*
5 *lished pursuant to subsection (b).*

6 *“(2) TRANSFER OF FUNDS.—Funds under this*
7 *section shall be transferred from the wildfire suppres-*
8 *sion operations account to the wildfire suppression*
9 *subactivity of the Wildland Fire Management Ac-*
10 *count.*

11 *“(d) PROHIBITION OF OTHER TRANSFERS.—Except as*
12 *provided in this section, no funds may be transferred to*
13 *or from the account established pursuant to subsection (b)*
14 *to or from any other fund or account.*

15 *“(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION*
16 *OPERATIONS ON NON-FEDERAL LAND.—If amounts trans-*
17 *ferred under subsection (c) are used to conduct wildfire sup-*
18 *pression operations on non-Federal land, the respective Sec-*
19 *retary shall—*

20 *“(1) secure reimbursement for the cost of such*
21 *wildfire suppression operations conducted on the non-*
22 *Federal land; and*

23 *“(2) transfer the amounts received as reimburse-*
24 *ment to the wildfire suppression operations account*
25 *established pursuant to subsection (b).*

1 “(f) *ANNUAL ACCOUNTING AND REPORTING REQUIRE-*
2 *MENTS.—Not later than 90 days after the end of each fiscal*
3 *year for which assistance is received pursuant to this sec-*
4 *tion, the respective Secretary shall submit to the Committees*
5 *on Agriculture, Appropriations, the Budget, Natural Re-*
6 *sources, and Transportation and Infrastructure of the*
7 *House of Representatives and the Committees on Agri-*
8 *culture, Nutrition, and Forestry, Appropriations, the Budg-*
9 *et, Energy and Natural Resources, Homeland Security and*
10 *Governmental Affairs, and Indian Affairs of the Senate,*
11 *and make available to the public, a report that includes*
12 *the following:*

13 “(1) *The risk-based factors that influenced man-*
14 *agement decisions regarding wildfire suppression op-*
15 *erations of the Federal land management agencies*
16 *under the jurisdiction of the Secretary concerned.*

17 “(2) *Specific discussion of a statistically signifi-*
18 *cant sample of large fires, in which each fire is ana-*
19 *lyzed for cost drivers, effectiveness of risk management*
20 *techniques, resulting positive or negative impacts of*
21 *fire on the landscape, impact of investments in pre-*
22 *paredness, suggested corrective actions, and such other*
23 *factors as the respective Secretary considers appro-*
24 *priate.*

1 “(3) *Total expenditures for wildfire suppression*
2 *operations of the Federal land management agencies*
3 *under the jurisdiction of the respective Secretary, bro-*
4 *ken out by fire sizes, cost, regional location, and such*
5 *other factors as the such Secretary considers appro-*
6 *priate.*

7 “(4) *Lessons learned.*

8 “(5) *Such other matters as the respective Sec-*
9 *retary considers appropriate.*

10 “(g) *SAVINGS PROVISION.—Nothing in this title shall*
11 *limit the Secretary of the Interior, the Secretary of Agri-*
12 *culture, Indian tribe, or a State from receiving assistance*
13 *through a declaration made by the President under this Act*
14 *when the criteria for such declaration have been met.”.*

15 **SEC. 903. PROHIBITION ON TRANSFERS.**

16 *No funds may be transferred to or from the Federal*
17 *land management agencies’ wildfire suppression operations*
18 *accounts referred to in section 801(3) of the Robert T. Staf-*
19 *ford Disaster Relief and Emergency Assistance Act to or*
20 *from any account or subactivity of the Federal land man-*
21 *agement agencies, as defined in section 801(2) of such Act,*
22 *that is not used to cover the cost of wildfire suppression*
23 *operations.*

1 ***DIVISION C—NATURAL***
2 ***RESOURCES***
3 ***TITLE I—WESTERN WATER AND***
4 ***AMERICAN FOOD SECURITY ACT***

5 ***SEC. 1001. SHORT TITLE.***

6 *This title may be cited as the “Western Water and*
7 *American Food Security Act of 2015”.*

8 ***SEC. 1002. FINDINGS.***

9 *Congress finds as follows:*

10 (1) *As established in the Proclamation of a State*
11 *of Emergency issued by the Governor of the State on*
12 *January 17, 2014, the State is experiencing record*
13 *dry conditions.*

14 (2) *Extremely dry conditions have persisted in*
15 *the State since 2012, and the drought conditions are*
16 *likely to persist into the future.*

17 (3) *The water supplies of the State are at record-*
18 *low levels, as indicated by the fact that all major Cen-*
19 *tral Valley Project reservoir levels were at 20–35 per-*
20 *cent of capacity as of September 25, 2014.*

21 (4) *The lack of precipitation has been a signifi-*
22 *cant contributing factor to the 6,091 fires experienced*
23 *in the State as of September 15, 2014, and which cov-*
24 *ered nearly 400,000 acres.*

1 (5) *According to a study released by the Univer-*
2 *sity of California, Davis in July 2014, the drought*
3 *has led to the fallowing of 428,000 acres of farmland,*
4 *loss of \$810 million in crop revenue, loss of \$203 mil-*
5 *lion in dairy and other livestock value, and increased*
6 *groundwater pumping costs by \$454 million. The*
7 *statewide economic costs are estimated to be \$2.2 bil-*
8 *lion, with over 17,000 seasonal and part-time agricul-*
9 *tural jobs lost.*

10 (6) *CVPIA Level II water deliveries to refuges*
11 *have also been reduced by 25 percent in the north of*
12 *Delta region, and by 35 percent in the south of Delta*
13 *region.*

14 (7) *Only one-sixth of the usual acres of rice fields*
15 *are being flooded this fall, which leads to a significant*
16 *decline in habitat for migratory birds and an in-*
17 *creased risk of disease at the remaining wetlands due*
18 *to overcrowding of such birds.*

19 (8) *The drought of 2013 through 2014 constitutes*
20 *a serious emergency that poses immediate and severe*
21 *risks to human life and safety and to the environment*
22 *throughout the State.*

23 (9) *The serious emergency described in para-*
24 *graph (4) requires—*

1 (A) immediate and credible action that re-
2 spects the complexity of the water system of the
3 State and the importance of the water system to
4 the entire State; and

5 (B) policies that do not pit stakeholders
6 against one another, which history shows only
7 leads to costly litigation that benefits no one and
8 prevents any real solutions.

9 (10) Data on the difference between water de-
10 mand and reliable water supplies for various regions
11 of California south of the Delta, including the San
12 Joaquin Valley, indicate there is a significant annual
13 gap between reliable water supplies to meet agricul-
14 tural, municipal and industrial, groundwater, and
15 refuges water needs within the Delta Division, San
16 Luis Unit and Friant Division of the Central Valley
17 Project and the State Water Project south of the Sac-
18 ramento-San Joaquin River Delta and the demands
19 of those areas. This gap varies depending on the
20 methodology of the analysis performed, but can be
21 represented in the following ways:

22 (A) For Central Valley Project South-of-
23 Delta water service contractors, if it is assumed
24 that a water supply deficit is the difference in
25 the amount of water available for allocation

1 *versus the maximum contract quantity, then the*
2 *water supply deficits that have developed from*
3 *1992 to 2014 as a result of legislative and regu-*
4 *latory changes besides natural variations in hy-*
5 *drology during this timeframe range between*
6 *720,000 and 1,100,000 acre-feet.*

7 *(B) For Central Valley Project and State*
8 *Water Project water service contractors south of*
9 *the Delta and north of the Tehachapi mountain*
10 *range, if it is assumed that a water supply def-*
11 *icit is the difference between reliable water sup-*
12 *plies, including maximum water contract deliv-*
13 *eries, safe yield of groundwater, safe yield of*
14 *local and surface supplies and long-term con-*
15 *tracted water transfers, and water demands, in-*
16 *cluding water demands from agriculture, munic-*
17 *ipal and industrial and refuge contractors, then*
18 *the water supply deficit ranges between approxi-*
19 *mately 2,500,000 to 2,700,000 acre-feet.*

20 *(11) Data of pumping activities at the Central*
21 *Valley Project and State Water Project delta pumps*
22 *identifies that, on average from Water Year 2009 to*
23 *Water Year 2014, take of Delta smelt is 80 percent*
24 *less than allowable take levels under the biological*
25 *opinion issued December 15, 2008.*

1 (12) *Data of field sampling activities of the*
2 *Interagency Ecological Program located in the Sac-*
3 *ramento-San Joaquin Estuary identifies that, on av-*
4 *erage from 2005 to 2013, the program “takes” 3,500*
5 *delta smelt during annual surveys with an authorized*
6 *“take” level of 33,480 delta smelt annually—accord-*
7 *ing to the biological opinion issued December 9, 1997.*

8 (13) *In 2015, better information exists than was*
9 *known in 2008 concerning conditions and operations*
10 *that may or may not lead to high salvage events that*
11 *jeopardize the fish populations, and what alternative*
12 *management actions can be taken to avoid jeopardy.*

13 (14) *Alternative management strategies, remov-*
14 *ing non-native species, enhancing habitat, monitoring*
15 *fish movement and location in real-time, and improv-*
16 *ing water quality in the Delta can contribute signifi-*
17 *cantly to protecting and recovering these endangered*
18 *fish species, and at potentially lower costs to water*
19 *supplies.*

20 (15) *Resolution of fundamental policy questions*
21 *concerning the extent to which application of the En-*
22 *dangered Species Act of 1973 affects the operation of*
23 *the Central Valley Project and State Water Project is*
24 *the responsibility of Congress.*

1 **SEC. 1003. DEFINITIONS.**

2 *In this title:*

3 (1) *DELTA.*—*The term “Delta” means the Sac-*
4 *ramento-San Joaquin Delta and the Suisun Marsh,*
5 *as defined in sections 12220 and 29101 of the Cali-*
6 *fornia Public Resources Code.*

7 (2) *EXPORT PUMPING RATES.*—*The term “export*
8 *pumping rates” means the rates of pumping at the*
9 *C.W. “Bill” Jones Pumping Plant and the Harvey O.*
10 *Banks Pumping Plant, in the southern Delta.*

11 (3) *LISTED FISH SPECIES.*—*The term “listed*
12 *fish species” means listed salmonid species and the*
13 *Delta smelt.*

14 (4) *LISTED SALMONID SPECIES.*—*The term “list-*
15 *ed salmonid species” means natural origin steelhead,*
16 *natural origin genetic spring run Chinook, and ge-*
17 *netic winter run Chinook salmon including hatchery*
18 *steelhead or salmon populations within the evolution-*
19 *ary significant unit (ESU) or distinct population*
20 *segment (DPS).*

21 (5) *NEGATIVE IMPACT ON THE LONG-TERM SUR-*
22 *VIVAL.*—*The term “negative impact on the long-term*
23 *survival” means to reduce appreciably the likelihood*
24 *of the survival of a listed species in the wild by reduc-*
25 *ing the reproduction, numbers, or distribution of that*
26 *species.*

1 (6) *OMR*.—*The term “OMR” means the Old and*
2 *Middle River in the Delta.*

3 (7) *OMR FLOW OF –5,000 CUBIC FEET PER SEC-*
4 *OND*.—*The term “OMR flow of –5,000 cubic feet per*
5 *second” means Old and Middle River flow of negative*
6 *5,000 cubic feet per second as described in—*

7 (A) *the smelt biological opinion; and*

8 (B) *the salmonid biological opinion.*

9 (8) *SALMONID BIOLOGICAL OPINION*.—*The term*
10 *“salmonid biological opinion” means the biological*
11 *opinion issued by the National Marine Fisheries*
12 *Service on June 4, 2009.*

13 (9) *SMELT BIOLOGICAL OPINION*.—*The term*
14 *“smelt biological opinion” means the biological opin-*
15 *ion on the Long-Term Operational Criteria and Plan*
16 *for coordination of the Central Valley Project and*
17 *State Water Project issued by the United States Fish*
18 *and Wildlife Service on December 15, 2008.*

19 (10) *STATE*.—*The term “State” means the State*
20 *of California.*

1 **Subtitle A—ADJUSTING DELTA**
 2 **SMELT MANAGEMENT BASED**
 3 **ON INCREASED REAL-TIME**
 4 **MONITORING AND UPDATED**
 5 **SCIENCE**

6 **SEC. 1011. DEFINITIONS.**

7 *In this subtitle:*

8 (1) *DIRECTOR.*—*The term “Director” means the*
 9 *Director of the United States Fish and Wildlife Serv-*
 10 *ice.*

11 (2) *DELTA SMELT.*—*The term “Delta smelt”*
 12 *means the fish species with the scientific name*
 13 *Hypomesus transpacificus.*

14 (3) *SECRETARY.*—*The term “Secretary” means*
 15 *the Secretary of the Interior.*

16 (4) *COMMISSIONER.*—*The term “Commissioner”*
 17 *means the Commissioner of the Bureau of Reclama-*
 18 *tion.*

19 **SEC. 1012. REVISE INCIDENTAL TAKE LEVEL CALCULATION**
 20 **FOR DELTA SMELT TO REFLECT NEW**
 21 **SCIENCE.**

22 (a) *REVIEW AND MODIFICATION.*—*Not later than Octo-*
 23 *ber 1, 2016, and at least every five years thereafter, the Di-*
 24 *rector, in cooperation with other Federal, State, and local*
 25 *agencies, shall use the best scientific and commercial data*

1 *available to complete a review and, modify the method used*
2 *to calculate the incidental take levels for adult and larval/*
3 *juvenile Delta smelt in the smelt biological opinion that*
4 *takes into account all life stages, among other consider-*
5 *ations—*

6 (1) *salvage information collected since at least*
7 *1993;*

8 (2) *updated or more recently developed statistical*
9 *models;*

10 (3) *updated scientific and commercial data; and*

11 (4) *the most recent information regarding the en-*
12 *vironmental factors affecting Delta smelt salvage.*

13 (b) *MODIFIED INCIDENTAL TAKE LEVEL.—Unless the*
14 *Director determines in writing that one or more of the re-*
15 *quirements described in paragraphs (1) through (4) are not*
16 *appropriate, the modified incidental take level described in*
17 *subsection (a) shall—*

18 (1) *be normalized for the abundance of*
19 *prespawning adult Delta smelt using the Fall*
20 *Midwater Trawl Index or other index;*

21 (2) *be based on a simulation of the salvage that*
22 *would have occurred from 1993 through 2012 if OMR*
23 *flow has been consistent with the smelt biological*
24 *opinions;*

1 (3) *base the simulation on a correlation between*
 2 *annual salvage rates and historic water clarity and*
 3 *OMR flow during the adult salvage period; and*

4 (4) *set the incidental take level as the 80 percent*
 5 *upper prediction interval derived from simulated sal-*
 6 *vage rates since at least 1993.*

7 **SEC. 1013. FACTORING INCREASED REAL-TIME MONI-**
 8 **TORING AND UPDATED SCIENCE INTO DELTA**
 9 **SMELT MANAGEMENT.**

10 (a) *IN GENERAL.*—*The Director shall use the best sci-*
 11 *entific and commercial data available to implement, con-*
 12 *tinuously evaluate, and refine or amend, as appropriate,*
 13 *the reasonable and prudent alternative described in the*
 14 *smelt biological opinion, and any successor opinions or*
 15 *court order. The Secretary shall make all significant deci-*
 16 *sions under the smelt biological opinion, or any successor*
 17 *opinions that affect Central Valley Project and State Water*
 18 *Project operations, in writing, and shall document the sig-*
 19 *nificant facts upon which such decisions are made, con-*
 20 *sistent with section 706 of title 5, United States Code.*

21 (b) *INCREASED MONITORING TO INFORM REAL-TIME*
 22 *OPERATIONS.*—*The Secretary shall conduct additional sur-*
 23 *veys, on an annual basis at the appropriate time of the*
 24 *year based on environmental conditions, in collaboration*
 25 *with other Delta science interests.*

1 (1) *In implementing this section, the Secretary*
2 *shall—*

3 (A) *use the most accurate survey methods*
4 *available for the detection of Delta smelt to deter-*
5 *mine the extent that adult Delta smelt are dis-*
6 *tributed in relation to certain levels of turbidity,*
7 *or other environmental factors that may influ-*
8 *ence salvage rate; and*

9 (B) *use results from appropriate survey*
10 *methods for the detection of Delta smelt to deter-*
11 *mine how the Central Valley Project and State*
12 *Water Project may be operated more efficiently*
13 *to minimize salvage while maximizing export*
14 *pumping rates without causing a significant*
15 *negative impact on the long-term survival of the*
16 *Delta smelt.*

17 (2) *During the period beginning on December 1,*
18 *2015, and ending March 31, 2016, and in each suc-*
19 *cessive December through March period, if suspended*
20 *sediment loads enter the Delta from the Sacramento*
21 *River and the suspended sediment loads appear likely*
22 *to raise turbidity levels in the Old River north of the*
23 *export pumps from values below 12 Nephelometric*
24 *Turbidity Units (NTU) to values above 12 NTU, the*
25 *Secretary shall—*

1 (A) conduct daily monitoring using appro-
2 priate survey methods at locations including, but
3 not limited to, the vicinity of Station 902 to de-
4 termine the extent that adult Delta smelt are
5 moving with turbidity toward the export pumps;
6 and

7 (B) use results from the monitoring surveys
8 referenced in paragraph (A) to determine how
9 increased trawling can inform daily real-time
10 Central Valley Project and State Water Project
11 operations to minimize salvage while maxi-
12 mizing export pumping rates without causing a
13 significant negative impact on the long-term sur-
14 vival of the Delta smelt.

15 (c) *PERIODIC REVIEW OF MONITORING.*—Within 12
16 months of the date of enactment of this title, and at least
17 once every 5 years thereafter, the Secretary shall—

18 (1) evaluate whether the monitoring program
19 under subsection (b), combined with other monitoring
20 programs for the Delta, is providing sufficient data to
21 inform Central Valley Project and State Water
22 Project operations to minimize salvage while maxi-
23 mizing export pumping rates without causing a sig-
24 nificant negative impact on the long-term survival of
25 the Delta smelt; and

1 (2) *determine whether the monitoring efforts*
2 *should be changed in the short or long term to provide*
3 *more useful data.*

4 *(d) DELTA SMELT DISTRIBUTION STUDY.—*

5 (1) *IN GENERAL.—No later than January 1,*
6 *2016, and at least every five years thereafter, the Sec-*
7 *retary, in collaboration with the California Depart-*
8 *ment of Fish and Wildlife, the California Department*
9 *of Water Resources, public water agencies, and other*
10 *interested entities, shall implement new targeted sam-*
11 *pling and monitoring specifically designed to under-*
12 *stand Delta smelt abundance, distribution, and the*
13 *types of habitat occupied by Delta smelt during all*
14 *life stages.*

15 (2) *SAMPLING.—The Delta smelt distribution*
16 *study shall, at a minimum—*

17 (A) *include recording water quality and*
18 *tidal data;*

19 (B) *be designed to understand Delta smelt*
20 *abundance, distribution, habitat use, and move-*
21 *ment throughout the Delta, Suisun Marsh, and*
22 *other areas occupied by the Delta smelt during*
23 *all seasons;*

24 (C) *consider areas not routinely sampled by*
25 *existing monitoring programs, including wetland*

1 channels, near-shore water, depths below 35 feet,
2 and shallow water; and

3 (D) use survey methods, including sampling
4 gear, best suited to collect the most accurate data
5 for the type of sampling or monitoring.

6 (e) *SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF*
7 *OMR FLOW REQUIREMENTS.*—*In implementing the provi-*
8 *sions of the smelt biological opinion, or any successor bio-*
9 *logical opinion or court order, pertaining to management*
10 *of reverse flow in the Old and Middle Rivers, the Secretary*
11 *shall—*

12 (1) *consider the relevant provisions of the bio-*
13 *logical opinion or any successor biological opinion;*

14 (2) *to maximize Central Valley project and State*
15 *Water Project water supplies, manage export pump-*
16 *ing rates to achieve a reverse OMR flow rate of*
17 *–5,000 cubic feet per second unless information de-*
18 *veloped by the Secretary under paragraphs (3) and*
19 *(4) leads the Secretary to reasonably conclude that a*
20 *less negative OMR flow rate is necessary to avoid a*
21 *negative impact on the long-term survival of the Delta*
22 *smelt. If information available to the Secretary indi-*
23 *cates that a reverse OMR flow rate more negative*
24 *than –5,000 cubic feet per second can be established*
25 *without an imminent negative impact on the long-*

1 *term survival of the Delta smelt, the Secretary shall*
2 *manage export pumping rates to achieve that more*
3 *negative OMR flow rate;*

4 *(3) document in writing any significant facts*
5 *about real-time conditions relevant to the determina-*
6 *tions of OMR reverse flow rates, including—*

7 *(A) whether targeted real-time fish moni-*
8 *toring in the Old River pursuant to this section,*
9 *including monitoring in the vicinity of Station*
10 *902, indicates that a significant negative impact*
11 *on the long-term survival of the Delta smelt is*
12 *imminent; and*

13 *(B) whether near-term forecasts with avail-*
14 *able salvage models show under prevailing condi-*
15 *tions that OMR flow of $-5,000$ cubic feet per*
16 *second or higher will cause a significant negative*
17 *impact on the long-term survival of the Delta*
18 *smelt;*

19 *(4) show in writing that any determination to*
20 *manage OMR reverse flow at rates less negative than*
21 *$-5,000$ cubic feet per second is necessary to avoid a*
22 *significant negative impact on the long-term survival*
23 *of the Delta smelt, including an explanation of the*
24 *data examined and the connection between those data*
25 *and the choice made, after considering—*

1 (A) the distribution of Delta smelt through-
2 out the Delta;

3 (B) the potential effects of documented,
4 quantified entrainment on subsequent Delta
5 smelt abundance;

6 (C) the water temperature;

7 (D) other significant factors relevant to the
8 determination; and

9 (E) whether any alternative measures could
10 have a substantially lesser water supply impact;
11 and

12 (5) for any subsequent biological opinion, make
13 the showing required in paragraph (4) for any deter-
14 mination to manage OMR reverse flow at rates less
15 negative than the most negative limit in the biological
16 opinion if the most negative limit in the biological
17 opinion is more negative than $-5,000$ cubic feet per
18 second.

19 (f) *MEMORANDUM OF UNDERSTANDING.*—No later
20 than December 1, 2015, the Commissioner and the Director
21 will execute a Memorandum of Understanding (MOU) to
22 ensure that the smelt biological opinion is implemented in
23 a manner that maximizes water supply while complying
24 with applicable laws and regulations. If that MOU alters
25 any procedures set out in the biological opinion, there will

1 *be no need to reinitiate consultation if those changes will*
2 *not have a significant negative impact on the long-term sur-*
3 *vival on listed species and the implementation of the MOU*
4 *would not be a major change to implementation of the bio-*
5 *logical opinion. Any change to procedures that does not cre-*
6 *ate a significant negative impact on the long-term survival*
7 *to listed species will not alter application of the take per-*
8 *mitted by the incidental take statement in the biological*
9 *opinion under section 7(o)(2) of the Endangered Species Act*
10 *of 1973.*

11 *(g) CALCULATION OF REVERSE FLOW IN OMR.—With-*
12 *in 90 days of the enactment of this title, the Secretary is*
13 *directed, in consultation with the California Department*
14 *of Water Resources to revise the method used to calculate*
15 *reverse flow in Old and Middle Rivers for implementation*
16 *of the reasonable and prudent alternatives in the smelt bio-*
17 *logical opinion and the salmonid biological opinion, and*
18 *any succeeding biological opinions, for the purpose of in-*
19 *creasing Central Valley Project and State Water Project*
20 *water supplies. The method of calculating reverse flow in*
21 *Old and Middle Rivers shall be reevaluated not less than*
22 *every five years thereafter to achieve maximum export*
23 *pumping rates within limits established by the smelt bio-*
24 *logical opinion, the salmonid biological opinion, and any*
25 *succeeding biological opinions.*

1 **Subtitle B—ENSURING SALMONID**
2 **MANAGEMENT IS RESPON-**
3 **SIVE TO NEW SCIENCE**

4 **SEC. 1021. DEFINITIONS.**

5 *In this subtitle:*

6 (1) *ASSISTANT ADMINISTRATOR.*—*The term “As-*
7 *stant Administrator” means the Assistant Adminis-*
8 *trator of the National Oceanic and Atmospheric Ad-*
9 *ministration for Fisheries.*

10 (2) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of Commerce.*

12 (3) *OTHER AFFECTED INTERESTS.*—*The term*
13 *“other affected interests” means the State of Cali-*
14 *fornia, Indian tribes, subdivisions of the State of*
15 *California, public water agencies and those who ben-*
16 *efit directly and indirectly from the operations of the*
17 *Central Valley Project and the State Water Project.*

18 (4) *COMMISSIONER.*—*The term “Commissioner”*
19 *means the Commissioner of the Bureau of Reclama-*
20 *tion.*

21 (5) *DIRECTOR.*—*The term “Director” means the*
22 *Director of the United States Fish and Wildlife Serv-*
23 *ice.*

1 **SEC. 1022. PROCESS FOR ENSURING SALMONID MANAGE-**
2 **MENT IS RESPONSIVE TO NEW SCIENCE.**

3 (a) *GENERAL DIRECTIVE.*—*The reasonable and pru-*
4 *dent alternative described in the salmonid biological opin-*
5 *ion allows for and anticipates adjustments in Central Val-*
6 *ley Project and State Water Project operation parameters*
7 *to reflect the best scientific and commercial data currently*
8 *available, and authorizes efforts to test and evaluate im-*
9 *provements in operations that will meet applicable regu-*
10 *latory requirements and maximize Central Valley Project*
11 *and State Water Project water supplies and reliability. Im-*
12 *plementation of the reasonable and prudent alternative de-*
13 *scribed in the salmonid biological opinion shall be adjusted*
14 *accordingly as new scientific and commercial data are de-*
15 *veloped. The Commissioner and the Assistant Adminis-*
16 *trator shall fully utilize these authorities as described below.*

17 (b) *ANNUAL REVIEWS OF CERTAIN CENTRAL VALLEY*
18 *PROJECT AND STATE WATER PROJECT OPERATIONS.*—*No*
19 *later than December 31, 2016, and at least annually there-*
20 *after:*

21 (1) *The Commissioner, with the assistance of the*
22 *Assistant Administrator, shall examine and identify*
23 *adjustments to the initiation of Action IV.2.3 as set*
24 *forth in the Biological Opinion and Conference Opin-*
25 *ion on the Long-Term Operations of the Central Val-*
26 *ley Project and State Water Project, Endangered Spe-*

1 *cies Act Section 7 Consultation, issued by the Na-*
2 *tional Marine Fisheries Service on June 4, 2009, per-*
3 *taining to negative OMR flows, subject to paragraph*
4 *(5).*

5 (2) *The Commissioner, with the assistance of the*
6 *Assistant Administrator, shall examine and identify*
7 *adjustments in the timing, triggers or other oper-*
8 *ational details relating to the implementation of*
9 *pumping restrictions in Action IV.2.1 pertaining to*
10 *the inflow to export ratio, subject to paragraph (5).*

11 (3) *Pursuant to the consultation and assessments*
12 *carried out under paragraphs (1) and (2) of this sub-*
13 *section, the Commissioner and the Assistant Adminis-*
14 *trator shall jointly make recommendations to the Sec-*
15 *retary of the Interior and to the Secretary on adjust-*
16 *ments to project operations that, in the exercise of the*
17 *adaptive management provisions of the salmonid bio-*
18 *logical opinion, will reduce water supply impacts of*
19 *the salmonid biological opinion on the Central Valley*
20 *Project and the California State Water Project and*
21 *are consistent with the requirements of applicable law*
22 *and as further described in subsection (c).*

23 (4) *The Secretary and the Secretary of the Inte-*
24 *rior shall direct the Commissioner and Assistant Ad-*
25 *ministrator to implement recommended adjustments*

1 to Central Valley Project and State Water Project op-
2 erations for which the conditions under subsection (c)
3 are met.

4 (5) *The Assistant Administrator and the Com-*
5 *missioner shall review and identify adjustments to*
6 *Central Valley Project and State Water Project oper-*
7 *ations with water supply restrictions in any successor*
8 *biological opinion to the salmonid biological opinion,*
9 *applying the provisions of this section to those water*
10 *supply restrictions where there are references to Ac-*
11 *tions IV.2.1 and IV.2.3.*

12 (c) *IMPLEMENTATION OF OPERATIONAL ADJUST-*
13 *MENTS.—After reviewing the recommendations under sub-*
14 *section (b), the Secretary of the Interior and the Secretary*
15 *shall direct the Commissioner and the Assistant Adminis-*
16 *trator to implement those operational adjustments, or any*
17 *combination, for which, in aggregate—*

18 (1) *the net effect on listed species is equivalent*
19 *to those of the underlying project operational param-*
20 *eters in the salmonid biological opinion, taking into*
21 *account both—*

22 (A) *efforts to minimize the adverse effects of*
23 *the adjustment to project operations; and*

24 (B) *whatever additional actions or measures*
25 *may be implemented in conjunction with the ad-*

1 *justments to operations to offset the adverse ef-*
2 *fects to listed species, consistent with (d), that*
3 *are in excess of the adverse effects of the under-*
4 *lying operational parameters, if any; and*

5 (2) *the effects of the adjustment can be reason-*
6 *ably expected to fall within the incidental take au-*
7 *thorizations.*

8 (d) *EVALUATION OF OFFSETTING MEASURES.*—When
9 *examining and identifying opportunities to offset the poten-*
10 *tial adverse effect of adjustments to operations under sub-*
11 *section (c)(1)(B), the Commissioner and the Assistant Ad-*
12 *ministrator shall take into account the potential species*
13 *survival improvements that are likely to result from other*
14 *measures which, if implemented in conjunction with such*
15 *adjustments, would offset adverse effects, if any, of the ad-*
16 *justments. When evaluating offsetting measures, the Com-*
17 *missioner and the Assistant Administrator shall consider*
18 *the type, timing and nature of the adverse effects, if any,*
19 *to specific species and ensure that the measures likely pro-*
20 *vide equivalent overall benefits to the listed species in the*
21 *aggregate, as long as the change will not cause a significant*
22 *negative impact on the long-term survival of a listed*
23 *salmonid species.*

24 (e) *FRAMEWORK FOR EXAMINING OPPORTUNITIES TO*
25 *MINIMIZE OR OFFSET THE POTENTIAL ADVERSE EFFECT*

1 *OF ADJUSTMENTS TO OPERATIONS.—Not later than Decem-*
2 *ber 31, 2015, and every five years thereafter, the Assistant*
3 *Administrator shall, in collaboration with the Director of*
4 *the California Department of Fish and Wildlife, based on*
5 *the best scientific and commercial data available and for*
6 *each listed salmonid species, issue estimates of the increase*
7 *in through-Delta survival the Secretary expects to be*
8 *achieved—*

9 (1) *through restrictions on export pumping rates*
10 *as specified by Action IV.2.3 as compared to limiting*
11 *OMR flow to a fixed rate of $-5,000$ cubic feet per*
12 *second within the time period Action IV.2.3 is appli-*
13 *cable, based on a given rate of San Joaquin River in-*
14 *flow to the Delta and holding other relevant factors*
15 *constant;*

16 (2) *through San Joaquin River inflow to export*
17 *restrictions on export pumping rates specified within*
18 *Action IV.2.1 as compared to the restrictions in the*
19 *April/May period imposed by the State Water Re-*
20 *sources Control Board decision D-1641, based on a*
21 *given rate of San Joaquin River inflow to the Delta*
22 *and holding other relevant factors constant;*

23 (3) *through physical habitat restoration im-*
24 *provements;*

25 (4) *through predation control programs;*

1 (5) *through the installation of temporary bar-*
2 *riers, the management of Cross Channel Gates oper-*
3 *ations, and other projects affecting flow in the Delta;*

4 (6) *through salvaging fish that have been en-*
5 *trained near the entrance to Clifton Court Forebay;*

6 (7) *through any other management measures*
7 *that may provide equivalent or better protections for*
8 *listed species while maximizing export pumping rates*
9 *without causing a significant negative impact on the*
10 *long-term survival of a listed salmonid species; and*

11 (8) *through development and implementation of*
12 *conservation hatchery programs for salmon and*
13 *steelhead to aid in the recovery of listed salmon and*
14 *steelhead species.*

15 (f) *SURVIVAL ESTIMATES.—*

16 (1) *To the maximum extent practicable, the As-*
17 *stant Administrator shall make quantitative esti-*
18 *mates of survival such as a range of percentage in-*
19 *creases in through-Delta survival that could result*
20 *from the management measures, and if the scientific*
21 *information is lacking for quantitative estimates,*
22 *shall do so on qualitative terms based upon the best*
23 *available science.*

24 (2) *If the Assistant Administrator provides qual-*
25 *itative survival estimates for a species resulting from*

1 *one or more management measures, the Secretary*
2 *shall, to the maximum extent feasible, rank the man-*
3 *agement measures described in subsection (e) in terms*
4 *of their most likely expected contribution to increased*
5 *through-Delta survival relative to the other measures.*

6 *(3) If at the time the Assistant Administrator*
7 *conducts the reviews under subsection (b), the Sec-*
8 *retary has not issued an estimate of increased*
9 *through-Delta survival from different management*
10 *measures pursuant to subsection (e), the Secretary*
11 *shall compare the protections to the species from dif-*
12 *ferent management measures based on the best sci-*
13 *entific and commercial data available at the time.*

14 *(g) COMPARISON OF ADVERSE CONSEQUENCES FOR*
15 *ALTERNATIVE MANAGEMENT MEASURES OF EQUIVALENT*
16 *PROTECTION FOR A SPECIES.—*

17 *(1) For the purposes of this subsection and sub-*
18 *section (c)—*

19 *(A) the alternative management measure or*
20 *combination of alternative management meas-*
21 *ures identified in paragraph (2) shall be known*
22 *as the “equivalent alternative measure”;*

23 *(B) the existing measure or measures iden-*
24 *tified in subparagraphs (2) (A), (B), (C), or (D)*

1 shall be known as the “equivalent existing meas-
2 ure”; and

3 (C) an “equivalent increase in through-
4 Delta survival rates for listed salmonid species”
5 shall mean an increase in through-Delta survival
6 rates that is equivalent when considering the
7 change in through-Delta survival rates for the
8 listed salmonid species in the aggregate, and not
9 the same change for each individual species, as
10 long as the change in survival rates will not
11 cause a significant negative impact on the long-
12 term survival of a listed salmonid species.

13 (2) As part of the reviews of project operations
14 pursuant to subsection (b), the Assistant Adminis-
15 trator shall determine whether any alternative man-
16 agement measures or combination of alternative man-
17 agement measures listed in subsection (e) (3) through
18 (8) would provide an increase in through-Delta sur-
19 vival rates for listed salmonid species that is equiva-
20 lent to the increase in through-Delta survival rates for
21 listed salmonid species from the following:

22 (A) Through restrictions on export pumping
23 rates as specified by Action IV.2.3, as compared
24 to limiting OMR flow to a fixed rate of $-5,000$

1 *cubic feet per second within the time period Ac-*
2 *tion IV.2.3 is applicable.*

3 *(B) Through restrictions on export pumping*
4 *rates as specified by Action IV.2.3, as compared*
5 *to a modification of Action IV.2.3 that would*
6 *provide additional water supplies, other than*
7 *that described in subparagraph (A).*

8 *(C) Through San Joaquin River inflow to*
9 *export restrictions on export pumping rates spec-*
10 *ified within Action IV.2.1, as compared to the*
11 *restrictions in the April/May period imposed by*
12 *the State Water Resources Control Board deci-*
13 *sion D-1641.*

14 *(D) Through San Joaquin River inflow to*
15 *export restrictions on export pumping rates spec-*
16 *ified within Action IV.2.1, as compared to a*
17 *modification of Action IV.2.1 that would reduce*
18 *water supply impacts of the salmonid biological*
19 *opinion on the Central Valley Project and the*
20 *California State Water Project, other than that*
21 *described in subparagraph (C).*

22 *(3) If the Assistant Administrator identifies an*
23 *equivalent alternative measure pursuant to para-*
24 *graph (2), the Assistant Administrator shall deter-*
25 *mine whether—*

1 (A) *it is technically feasible and within*
2 *Federal jurisdiction to implement the equivalent*
3 *alternative measure;*

4 (B) *the State of California, or subdivision*
5 *thereof, or local agency with jurisdiction has cer-*
6 *tified in writing within 10 calendar days to the*
7 *Assistant Administrator that it has the authority*
8 *and capability to implement the pertinent equiv-*
9 *alent alternative measure; or*

10 (C) *the adverse consequences of doing so are*
11 *less than the adverse consequences of the equiva-*
12 *lent existing measure, including a concise eval-*
13 *uation of the adverse consequences to other af-*
14 *ected interests.*

15 (4) *If the Assistant Administrator makes the de-*
16 *terminations in subparagraph (3)(A) or (3)(B), the*
17 *Commissioner shall adjust project operations to im-*
18 *plement the equivalent alternative measure in place of*
19 *the equivalent existing measure in order to increase*
20 *export rates of pumping to the greatest extent possible*
21 *while maintaining a net combined effect of equivalent*
22 *through-Delta survival rates for the listed salmonid*
23 *species.*

24 (h) *TRACKING ADVERSE EFFECTS BEYOND THE*
25 *RANGE OF EFFECTS ACCOUNTED FOR IN THE SALMONID*

1 *BIOLOGICAL OPINION AND COORDINATED OPERATION WITH*
2 *THE DELTA SMELT BIOLOGICAL OPINION.—*

3 (1) *Among the adjustments to the project oper-*
4 *ations considered through the adaptive management*
5 *process under this section, the Assistant Adminis-*
6 *trator and the Commissioner shall—*

7 (A) *evaluate the effects on listed salmonid*
8 *species and water supply of the potential adjust-*
9 *ment to operational criteria described in sub-*
10 *paragraph (B); and*

11 (B) *consider requiring that before some or*
12 *all of the provisions of Actions IV.2.1. or IV.2.3*
13 *are imposed in any specific instance, the Assist-*
14 *ant Administrator show that the implementation*
15 *of these provisions in that specific instance is*
16 *necessary to avoid a significant negative impact*
17 *on the long-term survival of a listed salmonid*
18 *species.*

19 (2) *The Assistant Administrator, the Director,*
20 *and the Commissioner, in coordination with State of-*
21 *ficials as appropriate, shall establish operational cri-*
22 *teria to coordinate management of OMR flows under*
23 *the smelt and salmonid biological opinions, in order*
24 *to take advantage of opportunities to provide addi-*

1 *tional water supplies from the coordinated implemen-*
2 *tation of the biological opinions.*

3 (3) *The Assistant Administrator and the Com-*
4 *missioner shall document the effects of any adaptive*
5 *management decisions related to the coordinated oper-*
6 *ation of the smelt and salmonid biological opinions*
7 *that prioritizes the maintenance of one species at the*
8 *expense of the other.*

9 (i) *REAL-TIME MONITORING AND MANAGEMENT.—*
10 *Notwithstanding the calendar based triggers described in*
11 *the salmonid biological opinion Reasonable and Prudent*
12 *Alternative (RPA), the Assistant Administrator and the*
13 *Commissioner shall not limit OMR reverse flow to $-5,000$*
14 *cubic feet per second unless current monitoring data indi-*
15 *cate that this OMR flow limitation is reasonably required*
16 *to avoid a significant negative impact on the long-term sur-*
17 *vival of a listed salmonid species.*

18 (j) *EVALUATION AND IMPLEMENTATION OF MANAGE-*
19 *MENT MEASURES.—If the quantitative estimates of*
20 *through-Delta survival established by the Secretary for the*
21 *adjustments in subsection (b)(2) exceed the through-Delta*
22 *survival established for the RPAs, the Secretary shall evalu-*
23 *ate and implement the management measures in subsection*
24 *(b)(2) as a prerequisite to implementing the RPAs con-*
25 *tained in the Salmonid Biological Opinion.*

1 (k) *ACCORDANCE WITH OTHER LAW.*—*Consistent with*
 2 *section 706 of title 5, United States Code, decisions of the*
 3 *Assistant Administrator and the Commissioner described in*
 4 *subsections (b) through (j) shall be made in writing, on the*
 5 *basis of best scientific and commercial data currently avail-*
 6 *able, and shall include an explanation of the data examined*
 7 *at the connection between those data and the decisions*
 8 *made.*

9 **SEC. 1023. NON-FEDERAL PROGRAM TO PROTECT NATIVE**
 10 **ANADROMOUS FISH IN THE STANISLAUS**
 11 **RIVER.**

12 (a) *ESTABLISHMENT OF NONNATIVE PREDATOR FISH*
 13 *REMOVAL PROGRAM.*—*The Secretary and the districts, in*
 14 *consultation with the Director, shall jointly develop and*
 15 *conduct a nonnative predator fish removal program to re-*
 16 *move nonnative striped bass, smallmouth bass, largemouth*
 17 *bass, black bass, and other nonnative predator fish species*
 18 *from the Stanislaus River. The program shall—*

19 (1) *be scientifically based;*

20 (2) *include methods to quantify the number and*
 21 *size of predator fish removed each year, the impact of*
 22 *such removal on the overall abundance of predator*
 23 *fish, and the impact of such removal on the popu-*
 24 *lations of juvenile anadromous fish found in the*
 25 *Stanislaus River by, among other things, evaluating*

1 *the number of juvenile anadromous fish that migrate*
2 *past the rotary screw trap located at Caswell;*

3 (3) *among other methods, use wire fyke trapping,*
4 *portable resistance board weirs, and boat*
5 *electrofishing; and*

6 (4) *be implemented as quickly as possible fol-*
7 *lowing the issuance of all necessary scientific re-*
8 *search.*

9 (b) *MANAGEMENT.*—*The management of the program*
10 *shall be the joint responsibility of the Secretary and the dis-*
11 *tricts. Such parties shall work collaboratively to ensure the*
12 *performance of the program, and shall discuss and agree*
13 *upon, among other things, changes in the structure, man-*
14 *agement, personnel, techniques, strategy, data collection, re-*
15 *porting, and conduct of the program.*

16 (c) *CONDUCT.*—

17 (1) *IN GENERAL.*—*By agreement between the*
18 *Secretary and the districts, the program may be con-*
19 *ducted by their own personnel, qualified private con-*
20 *tractors hired by the districts, personnel of, on loan*
21 *to, or otherwise assigned to the National Marine Fish-*
22 *eries Service, or a combination thereof.*

23 (2) *PARTICIPATION BY THE NATIONAL MARINE*
24 *FISHERIES SERVICE.*—*If the districts elect to conduct*
25 *the program using their own personnel or qualified*

1 *private contractors hired by them in accordance with*
2 *paragraph (1), the Secretary may assign an employee*
3 *of, on loan to, or otherwise assigned to the National*
4 *Marine Fisheries Service, to be present for all activi-*
5 *ties performed in the field. Such presence shall ensure*
6 *compliance with the agreed-upon elements specified in*
7 *subsection (b). The districts shall pay the cost of such*
8 *participation in accordance with subsection (d).*

9 (3) *TIMING OF ELECTION.*—*The districts shall*
10 *notify the Secretary of their election on or before Oc-*
11 *tober 15 of each calendar year of the program. Such*
12 *an election shall apply to the work performed in the*
13 *subsequent calendar year.*

14 (d) *FUNDING.*—

15 (1) *IN GENERAL.*—*The districts shall be respon-*
16 *sible for 100 percent of the cost of the program.*

17 (2) *CONTRIBUTED FUNDS.*—*The Secretary may*
18 *accept and use contributions of funds from the dis-*
19 *tricts to carry out activities under the program.*

20 (3) *ESTIMATION OF COST.*—*On or before Decem-*
21 *ber 1 of each year of the program, the Secretary shall*
22 *submit to the districts an estimate of the cost to be*
23 *incurred by the National Marine Fisheries Service for*
24 *the program in the following calendar year, if any,*
25 *including the cost of any data collection and posting*

1 *under subsection (e). If an amount equal to the esti-*
2 *mate is not provided through contributions pursuant*
3 *to paragraph (2) before December 31 of that year—*

4 *(A) the Secretary shall have no obligation to*
5 *conduct the program activities otherwise sched-*
6 *uled for such following calendar year until such*
7 *amount is contributed by the districts; and*

8 *(B) the districts may not conduct any as-*
9 *pect of the program until such amount is con-*
10 *tributed by the districts.*

11 *(4) ACCOUNTING.—On or before September 1 of*
12 *each year, the Secretary shall provide to the districts*
13 *an accounting of the costs incurred by the Secretary*
14 *for the program in the preceding calendar year. If the*
15 *amount contributed by the districts pursuant to para-*
16 *graph (2) for that year was greater than the costs in-*
17 *curring by the Secretary, the Secretary shall—*

18 *(A) apply the excess contributions to costs of*
19 *activities to be performed by the Secretary under*
20 *the program, if any, in the next calendar year;*
21 *or*

22 *(B) if no such activities are to be per-*
23 *formed, repay the excess contribution to the dis-*
24 *tricts.*

1 (e) *POSTING AND EVALUATION.*—*On or before the 15th*
2 *day of each month, the Secretary shall post on the Internet*
3 *website of the National Marine Fisheries Service a tabular*
4 *summary of the raw data collected under the program in*
5 *the preceding month.*

6 (f) *IMPLEMENTATION.*—*The program is hereby found*
7 *to be consistent with the requirements of the Central Valley*
8 *Project Improvement Act (Public Law 102–575). No provi-*
9 *sion, plan or definition established or required by the Cen-*
10 *tral Valley Project Improvement Act (Public Law 102–575)*
11 *shall be used to prohibit the imposition of the program, or*
12 *to prevent the accomplishment of its goals.*

13 (g) *TREATMENT OF STRIPED BASS.*—*For purposes of*
14 *the application of the Central Valley Project Improvement*
15 *Act (title XXXIV of Public Law 102–575) with respect to*
16 *the program, striped bass shall not be treated as anad-*
17 *romous fish.*

18 (h) *DEFINITION.*—*For the purposes of this section, the*
19 *term “districts” means the Oakdale Irrigation District and*
20 *the South San Joaquin Irrigation District, California.*

21 **SEC. 1024. PILOT PROJECTS TO IMPLEMENT CALFED**
22 **INVASIVE SPECIES PROGRAM.**

23 (a) *IN GENERAL.*—*Not later than January 1, 2017,*
24 *the Secretary of the Interior, in collaboration with the Sec-*
25 *retary of Commerce, the Director of the California Depart-*

1 *ment of Fish and Wildlife, and other relevant agencies and*
2 *interested parties, shall begin pilot projects to implement*
3 *the invasive species control program authorized pursuant*
4 *to section 103(d)(6)(A)(iv) of Public Law 108–361 (118*
5 *Stat. 1690).*

6 (b) *REQUIREMENTS.—The pilot projects shall—*

7 (1) *seek to reduce invasive aquatic vegetation,*
8 *predators, and other competitors which contribute to*
9 *the decline of native listed pelagic and anadromous*
10 *species that occupy the Sacramento and San Joaquin*
11 *Rivers and their tributaries and the Sacramento-San*
12 *Joaquin Bay-Delta; and*

13 (2) *remove, reduce, or control the effects of spe-*
14 *cies, including Asiatic clams, silversides, gobies, Bra-*
15 *zilian water weed, water hyacinth, largemouth bass,*
16 *smallmouth bass, striped bass, crappie, bluegill, white*
17 *and channel catfish, and brown bullheads.*

18 (c) *SUNSET.—The authorities provided under this sub-*
19 *section shall expire seven years after the Secretaries com-*
20 *mence implementation of the pilot projects pursuant to sub-*
21 *section (a).*

22 (d) *EMERGENCY ENVIRONMENTAL REVIEWS.—To ex-*
23 *pedite the environmentally beneficial programs for the con-*
24 *servation of threatened and endangered species, the Secre-*
25 *taries shall consult with the Council on Environmental*

1 *Quality in accordance with section 1506.11 of title 40, Code*
 2 *of Federal Regulations (or successor regulations), to develop*
 3 *alternative arrangements to comply with the National En-*
 4 *vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
 5 *for the projects pursuant to subsection (a).*

6 ***Subtitle C—OPERATIONAL FLEXI-***
 7 ***BILITY AND DROUGHT RELIEF***

8 ***SEC. 1031. DEFINITIONS.***

9 *In this subtitle:*

10 (1) *CENTRAL VALLEY PROJECT.*—*The term “Central*
 11 *Valley Project” has the meaning given the term*
 12 *in section 3403 of the Central Valley Project Improve-*
 13 *ment Act (Public Law 102–575; 106 Stat. 4707).*

14 (2) *RECLAMATION PROJECT.*—*The term “Rec-*
 15 *lamation Project” means a project constructed pursu-*
 16 *ant to the authorities of the reclamation laws and*
 17 *whose facilities are wholly or partially located in the*
 18 *State.*

19 (3) *SECRETARIES.*—*The term “Secretaries”*
 20 *means—*

21 (A) *the Secretary of Agriculture;*

22 (B) *the Secretary of Commerce; and*

23 (C) *the Secretary of the Interior.*

24 (4) *STATE WATER PROJECT.*—*The term “State*
 25 *Water Project” means the water project described by*

1 *California Water Code section 11550 et seq. and oper-*
 2 *ated by the California Department of Water Re-*
 3 *sources.*

4 (5) *STATE.—The term “State” means the State*
 5 *of California.*

6 **SEC. 1032. OPERATIONAL FLEXIBILITY IN TIMES OF**
 7 **DROUGHT.**

8 (a) *WATER SUPPLIES.—For the period of time such*
 9 *that in any year that the Sacramento Valley Index is 6.5*
 10 *or lower, or at the request of the State of California, and*
 11 *until two succeeding years following either of those events*
 12 *have been completed where the final Sacramento Valley*
 13 *Index is 7.8 or greater, the Secretaries shall provide the*
 14 *maximum quantity of water supplies practicable to all in-*
 15 *dividuals or district who receive Central Valley Project*
 16 *water under water service or repayments contracts, water*
 17 *rights settlement contracts, exchange contracts, or refuge*
 18 *contracts or agreements entered into prior to or after the*
 19 *date of enactment of this title; State Water Project contrac-*
 20 *tors, and any other tribe, locality, water agency, or munici-*
 21 *pality in the State, by approving, consistent with applica-*
 22 *ble laws (including regulations), projects and operations to*
 23 *provide additional water supplies as quickly as practicable*
 24 *based on available information to address the emergency*
 25 *conditions.*

1 (b) *ADMINISTRATION.*—*In carrying out subsection (a),*
2 *the Secretaries shall, consistent with applicable laws (in-*
3 *cluding regulations)—*

4 (1) *issue all necessary permit decisions under the*
5 *authority of the Secretaries not later than 30 days*
6 *after the date on which the Secretaries receive a com-*
7 *pleted application from the State to place and use*
8 *temporary barriers or operable gates in Delta chan-*
9 *nels to improve water quantity and quality for the*
10 *State Water Project and the Central Valley Project*
11 *south of Delta water contractors and other water*
12 *users, on the condition that the barriers or operable*
13 *gates—*

14 (A) *do not result in a significant negative*
15 *impact on the long-term survival of listed species*
16 *within the Delta and provide benefits or have a*
17 *neutral impact on in-Delta water user water*
18 *quality; and*

19 (B) *are designed so that formal consulta-*
20 *tions under section 7 of the Endangered Species*
21 *Act of 1973 (16 U.S.C. 1536) are not necessary;*

22 (2) *require the Director of the United States Fish*
23 *and Wildlife Service and the Commissioner of Rec-*
24 *lamation—*

1 (A) to complete, not later than 30 days after
2 the date on which the Director or the Commis-
3 sioner receives a complete written request for
4 water transfer, all requirements under the Na-
5 tional Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) and the Endangered Species
7 Act of 1973 (16 U.S.C. 1531 et seq.) necessary to
8 make final permit decisions on the request; and

9 (B) to approve any water transfer request
10 described in subparagraph (A) to maximize the
11 quantity of water supplies available for non-
12 habitat uses, on the condition that actions associ-
13 ated with the water transfer comply with appli-
14 cable Federal laws (including regulations);

15 (3) adopt a 1:1 inflow to export ratio, as meas-
16 ured as a 3-day running average at Vernalis during
17 the period beginning on April 1, and ending on May
18 31, absent a determination in writing that a more re-
19 strictive inflow to export ratio is required to avoid a
20 significant negative impact on the long-term survival
21 of a listed salmonid species under the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.); provided
23 that the 1:1 inflow to export ratio shall apply for the
24 increment of increased flow of the San Joaquin River
25 resulting from the voluntary sale, transfers, or ex-

1 *changes of water from agencies with rights to divert*
2 *water from the San Joaquin River or its tributaries*
3 *and provided that the movement of the acquired,*
4 *transferred, or exchanged water through the Delta*
5 *consistent with the Central Valley Project's and the*
6 *State Water Project's permitted water rights and pro-*
7 *vided that movement of the Central Valley Project*
8 *water is consistent with the requirements of section*
9 *3405(a)(1)(H) of the Central Valley Project Improve-*
10 *ment Act; and*

11 *(4) allow and facilitate, consistent with existing*
12 *priorities, water transfers through the C.W. "Bill"*
13 *Jones Pumping Plant or the Harvey O. Banks Pump-*
14 *ing Plant from April 1 to November 30 provided*
15 *water transfers comply with State law, including the*
16 *California Environmental Quality Act.*

17 *(c) ACCELERATED PROJECT DECISION AND ELE-*
18 *VATION.—*

19 *(1) IN GENERAL.—On request by the Governor of*
20 *the State, the Secretaries shall use the expedited pro-*
21 *cedures under this subsection to make final decisions*
22 *relating to a Federal project or operation, or to local*
23 *or State projects or operations that require decisions*
24 *by the Secretary of the Interior or the Secretary of*
25 *Commerce to provide additional water supplies if the*

1 *project's or operation's purpose is to provide relief for*
2 *emergency drought conditions pursuant to subsections*
3 *(a) and (b).*

4 (2) *REQUEST FOR RESOLUTION.—*

5 (A) *IN GENERAL.—On request by the Gov-*
6 *ernor of the State, the Secretaries referenced in*
7 *paragraph (1), or the head of another Federal*
8 *agency responsible for carrying out a review of*
9 *a project, as applicable, the Secretary of the In-*
10 *terior shall convene a final project decision meet-*
11 *ing with the heads of all relevant Federal agen-*
12 *cies to decide whether to approve a project to*
13 *provide relief for emergency drought conditions.*

14 (B) *MEETING.—The Secretary of the Inte-*
15 *rior shall convene a meeting requested under sub-*
16 *paragraph (A) not later than 7 days after the*
17 *date on which the meeting request is received.*

18 (3) *NOTIFICATION.—On receipt of a request for*
19 *a meeting under paragraph (2), the Secretary of the*
20 *Interior shall notify the heads of all relevant Federal*
21 *agencies of the request, including information on the*
22 *project to be reviewed and the date of the meeting.*

23 (4) *DECISION.—Not later than 10 days after the*
24 *date on which a meeting is requested under para-*
25 *graph (2), the head of the relevant Federal agency*

1 *shall issue a final decision on the project, subject to*
2 *subsection (e)(2).*

3 (5) *MEETING CONVENED BY SECRETARY.*—*The*
4 *Secretary of the Interior may convene a final project*
5 *decision meeting under this subsection at any time, at*
6 *the discretion of the Secretary, regardless of whether*
7 *a meeting is requested under paragraph (2).*

8 (d) *APPLICATION.*—*To the extent that a Federal agen-*
9 *cy, other than the agencies headed by the Secretaries, has*
10 *a role in approving projects described in subsections (a) and*
11 *(b), this section shall apply to those Federal agencies.*

12 (e) *LIMITATION.*—*Nothing in this section authorizes*
13 *the Secretaries to approve projects—*

14 (1) *that would otherwise require congressional*
15 *authorization; or*

16 (2) *without following procedures required by ap-*
17 *plicable law.*

18 (f) *DROUGHT PLAN.*—*For the period of time such that*
19 *in any year that the Sacramento Valley index is 6.5 or*
20 *lower, or at the request of the State of California, and until*
21 *two succeeding years following either of those events have*
22 *been completed where the final Sacramento Valley Index is*
23 *7.8 or greater, the Secretaries of Commerce and the Interior,*
24 *in consultation with appropriate State officials, shall de-*
25 *velop a drought operations plan that is consistent with the*

1 *provisions of this Act including the provisions that are in-*
2 *tended to provide additional water supplies that could be*
3 *of assistance during the current drought.*

4 **SEC. 1033. OPERATION OF CROSS-CHANNEL GATES.**

5 *(a) IN GENERAL.—The Secretary of Commerce and the*
6 *Secretary of the Interior shall jointly—*

7 *(1) authorize and implement activities to ensure*
8 *that the Delta Cross Channel Gates remain open to*
9 *the maximum extent practicable using findings from*
10 *the United States Geological Survey on diurnal be-*
11 *havior of juvenile salmonids, timed to maximize the*
12 *peak flood tide period and provide water supply and*
13 *water quality benefits for the duration of the drought*
14 *emergency declaration of the State, and for the period*
15 *of time such that in any year that the Sacramento*
16 *Valley index is 6.5 or lower, or at the request of the*
17 *State of California, and until two succeeding years*
18 *following either of those events have been completed*
19 *where the final Sacramento Valley Index is 7.8 or*
20 *greater, consistent with operational criteria and mon-*
21 *itoring criteria set forth into the Order Approving a*
22 *Temporary Urgency Change in License and Permit*
23 *Terms in Response to Drought Conditions of the Cali-*
24 *fornia State Water Resources Control Board, effective*

1 *January 31, 2014 (or a successor order) and other*
2 *authorizations associated with it;*

3 *(2) with respect to the operation of the Delta*
4 *Cross Channel Gates described in paragraph (1), col-*
5 *lect data on the impact of that operation on—*

6 *(A) species listed as threatened or endan-*
7 *gered under the Endangered Species Act of 1973*
8 *(16 U.S.C. 1531 et seq.);*

9 *(B) water quality; and*

10 *(C) water supply;*

11 *(3) collaborate with the California Department*
12 *of Water Resources to install a deflection barrier at*
13 *Georgiana Slough in coordination with Delta Cross*
14 *Channel Gate diurnal operations to protect migrating*
15 *salmonids, consistent with knowledge gained from ac-*
16 *tivities carried out during 2014 and 2015;*

17 *(4) evaluate the combined salmonid survival in*
18 *light of activities carried out pursuant to paragraphs*
19 *(1) through (3) in deciding how to operate the Delta*
20 *Cross Channel gates to enhance salmonid survival*
21 *and water supply benefits; and*

22 *(5) not later than May 15, 2016, submit to the*
23 *appropriate committees of the House of Representa-*
24 *tives and the Senate a notice and explanation on the*
25 *extent to which the gates are able to remain open.*

1 (b) *RECOMMENDATIONS.*—*After assessing the informa-*
2 *tion collected under subsection (a), the Secretary of the Inte-*
3 *rior shall recommend revisions to the operation of the Delta*
4 *Cross-Channel Gates, to the Central Valley Project, and to*
5 *the State Water Project, including, if appropriate, any rea-*
6 *sonable and prudent alternative contained in the biological*
7 *opinion issued by the National Marine Fisheries Service on*
8 *June 4, 2009, that are likely to produce water supply bene-*
9 *fits without causing a significant negative impact on the*
10 *long-term survival of the listed fish species within the Delta*
11 *or on water quality.*

12 **SEC. 1034. FLEXIBILITY FOR EXPORT/INFLOW RATIO.**

13 *For the period of time such that in any year that the*
14 *Sacramento Valley index is 6.5 or lower, or at the request*
15 *of the State of California, and until two succeeding years*
16 *following either of those events have been completed where*
17 *the final Sacramento Valley Index is 7.8 or greater, the*
18 *Commissioner of the Bureau of Reclamation shall continue*
19 *to vary the averaging period of the Delta Export/Inflow*
20 *ratio pursuant to the California State Water Resources*
21 *Control Board decision D1641—*

22 (1) *to operate to a 35-percent Export/Inflow*
23 *ratio with a 3-day averaging period on the rising*
24 *limb of a Delta inflow hydrograph; and*

1 (2) to operate to a 14-day averaging period on
2 the falling limb of the Delta inflow hydrograph.

3 **SEC. 1035. EMERGENCY ENVIRONMENTAL REVIEWS.**

4 (a) *NEPA COMPLIANCE.*—To minimize the time spent
5 carrying out environmental reviews and to deliver water
6 quickly that is needed to address emergency drought condi-
7 tions in the State during the duration of an emergency
8 drought declaration, the Secretaries shall, in carrying out
9 this Act, consult with the Council on Environmental Qual-
10 ity in accordance with section 1506.11 of title 40, Code of
11 Federal Regulations (including successor regulations), to
12 develop alternative arrangements to comply with the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.) during the emergency.

15 (b) *DETERMINATIONS.*—For the purposes of this sec-
16 tion, a Secretary may deem a project to be in compliance
17 with all necessary environmental regulations and reviews
18 if the Secretary determines that the immediate implementa-
19 tion of the project is necessary to address—

20 (1) human health and safety; or

21 (2) a specific and imminent loss of agriculture
22 production upon which an identifiable region depends
23 for 25 percent or more of its tax revenue used to sup-
24 port public services including schools, fire or police

1 *services, city or county health facilities, unemploy-*
2 *ment services or other associated social services.*

3 **SEC. 1036. INCREASED FLEXIBILITY FOR REGULAR**
4 **PROJECT OPERATIONS.**

5 *The Secretaries shall, consistent with applicable laws*
6 *(including regulations)—*

7 (1) *in coordination with the California Depart-*
8 *ment of Water Resources and the California Depart-*
9 *ment of Fish and Wildlife, implement offsite up-*
10 *stream projects in the Delta and upstream of the Sac-*
11 *ramento River and San Joaquin basins that offset the*
12 *effects on species listed as threatened or endangered*
13 *under the Endangered Species Act of 1973 (16 U.S.C.*
14 *1531 et seq.) due to activities carried out pursuant*
15 *this Act, as determined by the Secretaries;*

16 (2) *manage reverse flow in the Old and Middle*
17 *Rivers at $-6,100$ cubic feet per second if real-time*
18 *monitoring indicates that flows of $-6,100$ cubic feet*
19 *per second or more negative can be established for*
20 *specific periods without causing a significant negative*
21 *impact on the long-term survival of the Delta smelt,*
22 *or if real-time monitoring does not support flows of*
23 *$-6,100$ cubic feet per second than manage OMR*
24 *flows at $-5,000$ cubic feet per second subject to sec-*
25 *tion 1013(e)(3) and (4); and*

1 (3) *use all available scientific tools to identify*
 2 *any changes to real-time operations of the Bureau of*
 3 *Reclamation, State, and local water projects that*
 4 *could result in the availability of additional water*
 5 *supplies.*

6 **SEC. 1037. TEMPORARY OPERATIONAL FLEXIBILITY FOR**
 7 **FIRST FEW STORMS OF THE WATER YEAR.**

8 (a) *IN GENERAL.*—*Consistent with avoiding a signifi-*
 9 *cant negative impact on the long-term survival in the short*
 10 *term upon listed fish species beyond the range of those au-*
 11 *thorized under the Endangered Species Act of 1973 and*
 12 *other environmental protections under subsection (e), the*
 13 *Secretaries shall authorize the Central Valley Project and*
 14 *the State Water Project, combined, to operate at levels that*
 15 *result in negative OMR flows at $-7,500$ cubic feet per sec-*
 16 *ond (based on United States Geological Survey gauges on*
 17 *Old and Middle Rivers) daily average for 56 cumulative*
 18 *days after October 1 as described in subsection (c).*

19 (b) *DAYS OF TEMPORARY OPERATIONAL FLEXI-*
 20 *BILITY.*—*The temporary operational flexibility described in*
 21 *subsection (a) shall be authorized on days that the Cali-*
 22 *fornia Department of Water Resources determines the daily*
 23 *average river flow of the Sacramento River is at, or above,*
 24 *17,000 cubic feet per second as measured at the Sacramento*

1 *River at Freeport gauge maintained by the United States*
 2 *Geologic Survey.*

3 (c) *COMPLIANCE WITH ENDANGERED SPECIES ACT*
 4 *AUTHORIZATIONS.—In carrying out this section, the Secre-*
 5 *taries may continue to impose any requirements under the*
 6 *smelt and salmonid biological opinions during any period*
 7 *of temporary operational flexibility as they determine are*
 8 *reasonably necessary to avoid an additional significant*
 9 *negative impacts on the long-term survival of a listed fish*
 10 *species beyond the range of those authorized under the En-*
 11 *dangered Species Act of 1973, provided that the require-*
 12 *ments imposed do not reduce water supplies available for*
 13 *the Central Valley Project and the State Water Project.*

14 (d) *OTHER ENVIRONMENTAL PROTECTIONS.—*

15 (1) *STATE LAW.—The Secretaries' actions under*
 16 *this section shall be consistent with applicable regu-*
 17 *latory requirements under State law.*

18 (2) *FIRST SEDIMENT FLUSH.—During the first*
 19 *flush of sediment out of the Delta in each water year,*
 20 *and provided that such determination is based upon*
 21 *objective evidence, OMR flow may be managed at*
 22 *rates less negative than $-5,000$ cubic feet per second*
 23 *for a minimum duration to avoid movement of adult*
 24 *Delta smelt (*Hypomesus transpacificus*) to areas in*
 25 *the southern Delta that would be likely to increase en-*

1 *trainment at Central Valley Project and State Water*
2 *Project pumping plants.*

3 (3) *APPLICABILITY OF OPINION.*—*This section*
4 *shall not affect the application of the salmonid bio-*
5 *logical opinion from April 1 to May 31, unless the*
6 *Secretary of Commerce finds that some or all of such*
7 *applicable requirements may be adjusted during this*
8 *time period to provide emergency water supply relief*
9 *without resulting in additional adverse effects beyond*
10 *those authorized under the Endangered Species Act of*
11 *1973. In addition to any other actions to benefit*
12 *water supply, the Secretary of the Interior and the*
13 *Secretary of Commerce shall consider allowing*
14 *through-Delta water transfers to occur during this pe-*
15 *riod if they can be accomplished consistent with sec-*
16 *tion 3405(a)(1)(H) of the Central Valley Project Im-*
17 *provement Act. Water transfers solely or exclusively*
18 *through the State Water Project are not required to*
19 *be consistent with section 3405(a)(1)(H) of the Cen-*
20 *tral Valley Project Improvement Act.*

21 (4) *MONITORING.*—*During operations under this*
22 *section, the Commissioner of Reclamation, in coordi-*
23 *nation with the Fish and Wildlife Service, National*
24 *Marine Fisheries Service, and California Department*
25 *of Fish and Wildlife, shall undertake a monitoring*

1 *program and other data gathering to ensure inci-*
2 *dental take levels are not exceeded, and to identify po-*
3 *tential negative impacts and actions, if any, nec-*
4 *essary to mitigate impacts of the temporary oper-*
5 *ational flexibility to species listed under the Endan-*
6 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

7 *(e) TECHNICAL ADJUSTMENTS TO TARGET PERIOD.—*
8 *If, before temporary operational flexibility has been imple-*
9 *mented on 56 cumulative days, the Secretaries operate the*
10 *Central Valley Project and the State Water Project com-*
11 *bined at levels that result in OMR flows less negative than*
12 *−7,500 cubic feet per second during days of temporary*
13 *operational flexibility as defined in subsection (c), the dura-*
14 *tion of such operation shall not be counted toward the 56*
15 *cumulative days specified in subsection (a).*

16 *(f) EMERGENCY CONSULTATION; EFFECT ON RUNNING*
17 *AVERAGES.—*

18 *(1) If necessary to implement the provisions of*
19 *this section, the Commissioner is authorized to take*
20 *any action necessary to implement this section for up*
21 *to 56 cumulative days. If during the 56 cumulative*
22 *days the Commissioner determines that actions nec-*
23 *essary to implement this section will exceed 56 days,*
24 *the Commissioner shall use the emergency consulta-*
25 *tion procedures under the Endangered Species Act of*

1 *1973 and its implementing regulation at section*
2 *402.05 of title 50, Code of Federal Regulations, to*
3 *temporarily adjust the operating criteria under the*
4 *biological opinions—*

5 *(A) solely for extending beyond the 56 cu-*
6 *mulative days for additional days of temporary*
7 *operational flexibility—*

8 *(i) no more than necessary to achieve*
9 *the purposes of this section consistent with*
10 *the environmental protections in subsections*
11 *(d) and (e); and*

12 *(ii) including, as appropriate, adjust-*
13 *ments to ensure that the actual flow rates*
14 *during the periods of temporary operational*
15 *flexibility do not count toward the 5-day*
16 *and 14-day running averages of tidally fil-*
17 *tered daily OMR flow requirements under*
18 *the biological opinions, or*

19 *(B) for other adjustments to operating cri-*
20 *teria or to take other urgent actions to address*
21 *water supply shortages for the least amount of*
22 *time or volume of diversion necessary as deter-*
23 *mined by the Commissioner.*

24 *(2) Following the conclusion of the 56 cumu-*
25 *lative days of temporary operational flexibility, or the*

1 *extended number of days covered by the emergency*
2 *consultation procedures, the Commissioner shall not*
3 *reinitiate consultation on these adjusted operations,*
4 *and no mitigation shall be required, if the effects on*
5 *listed fish species of these operations under this sec-*
6 *tion remain within the range of those authorized*
7 *under the Endangered Species Act of 1973 (16 U.S.C.*
8 *1531 et seq.). If the Commissioner reinitiates con-*
9 *sultation, no mitigation measures shall be required.*

10 *(g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In*
11 *articulating the determinations required under this section,*
12 *the Secretaries shall fully satisfy the requirements herein*
13 *but shall not be expected to provide a greater level of sup-*
14 *porting detail for the analysis than feasible to provide with-*
15 *in the short timeframe permitted for timely decisionmaking*
16 *in response to changing conditions in the Delta.*

17 **SEC. 1038. EXPEDITING WATER TRANSFERS.**

18 *(a) IN GENERAL.—Section 3405(a) of the Central Val-*
19 *ley Project Improvement Act (Public Law 102–575; 106*
20 *Stat. 4709(a)) is amended—*

21 *(1) by redesignating paragraphs (1) through (3)*
22 *as paragraphs (4) through (6), respectively;*

23 *(2) in the matter preceding paragraph (4) (as so*
24 *designated)—*

1 (A) *in the first sentence, by striking “In*
2 *order to” and inserting the following:*

3 “(1) *IN GENERAL.—In order to*”; and

4 (B) *in the second sentence, by striking “Ex-*
5 *cept as provided herein” and inserting the fol-*
6 *lowing:*

7 “(3) *TERMS.—Except as otherwise provided in*
8 *this section*”;

9 (3) *by inserting before paragraph (3) (as so des-*
10 *ignated) the following:*

11 “(2) *EXPEDITED TRANSFER OF WATER.—The*
12 *Secretary shall take all necessary actions to facilitate*
13 *and expedite transfers of Central Valley Project water*
14 *in accordance with—*

15 “(A) *this Act;*

16 “(B) *any other applicable provision of the*
17 *reclamation laws; and*

18 “(C) *the National Environmental Policy*
19 *Act of 1969 (42 U.S.C. 4321 et seq.)*.”;

20 (4) *in paragraph (4) (as so designated)—*

21 (A) *in subparagraph (A), by striking “to*
22 *combination” and inserting “or combination*”;
23 *and*

24 (B) *by striking “3405(a)(2) of this title”*
25 *each place it appears and inserting “(5)”*;

1 (5) in paragraph (5) (as so designated), by add-
2 ing at the end the following:

3 “(E) The contracting district from which
4 the water is coming, the agency, or the Secretary
5 shall determine if a written transfer proposal is
6 complete within 45 days after the date of submis-
7 sion of the proposal. If the contracting district or
8 agency or the Secretary determines that the pro-
9 posal is incomplete, the district or agency or the
10 Secretary shall state with specificity what must
11 be added to or revised for the proposal to be com-
12 plete.”; and

13 (6) in paragraph (6) (as so designated), by strik-
14 ing “3405(a)(1)(A)–(C), (E), (G), (H), (I), (L), and
15 (M) of this title” and inserting “(A) through (C), (E),
16 (G), (H), (I), (L), and (M) of paragraph (4)”.

17 (b) *CONFORMING AMENDMENTS.*—*The Central Valley*
18 *Project Improvement Act (Public Law 102–575) is amend-*
19 *ed—*

20 (1) in section 3407(c)(1) (106 Stat. 4726), by
21 striking “3405(a)(1)(C)” and inserting
22 “3405(a)(4)(C)”;

23 (2) in section 3408(i)(1) (106 Stat. 4729), by
24 striking “3405(a)(1) (A) and (J) of this title” and in-

1 serting “subparagraphs (A) and (J) of section
2 3405(a)(4)”.

3 **SEC. 1039. ADDITIONAL EMERGENCY CONSULTATION.**

4 *For adjustments to operating criteria other than under*
5 *section 1038 of this subtitle or to take urgent actions to*
6 *address water supply shortages for the least amount of time*
7 *or volume of diversion necessary as determined by the Com-*
8 *missioner of Reclamation, no mitigation measures shall be*
9 *required during any year that the Sacramento Valley index*
10 *is 6.5 or lower, or at the request of the State of California,*
11 *and until two succeeding years following either of those*
12 *events have been completed where the final Sacramento Val-*
13 *ley Index is 7.8 or greater, and any mitigation measures*
14 *imposed must be based on quantitative data and required*
15 *only to the extent that such data demonstrates actual harm*
16 *to species.*

17 **SEC. 1040. ADDITIONAL STORAGE AT NEW MELONES.**

18 *The Commissioner of Reclamation is directed to work*
19 *with local water and irrigation districts in the Stanislaus*
20 *River Basin to ascertain the water storage made available*
21 *by the Draft Plan of Operations in New Melones Reservoir*
22 *(DRPO) for water conservation programs, conjunctive use*
23 *projects, water transfers, rescheduled project water and*
24 *other projects to maximize water storage and ensure the*
25 *beneficial use of the water resources in the Stanislaus River*

1 *Basin. All such programs and projects shall be implemented*
 2 *according to all applicable laws and regulations. The source*
 3 *of water for any such storage program at New Melones Res-*
 4 *ervoir shall be made available under a valid water right,*
 5 *consistent with the State of California water transfer guide-*
 6 *lines and any other applicable State water law. The Com-*
 7 *missioner shall inform the Congress within 18 months set-*
 8 *ting forth the amount of storage made available by the*
 9 *DRPO that has been put to use under this program, includ-*
 10 *ing proposals received by the Commissioner from interested*
 11 *parties for the purpose of this section.*

12 **SEC. 1041. REGARDING THE OPERATION OF FOLSOM RES-**
 13 **ERVOIR.**

14 *The Secretary of the Interior, in collaboration with the*
 15 *Sacramento Water Forum, shall expedite evaluation, com-*
 16 *pletion and implementation of the Modified Lower Amer-*
 17 *ican River Flow Management Standard developed by the*
 18 *Water Forum in 2015 to improve water supply reliability*
 19 *for Central Valley Project American River water contrac-*
 20 *tors and resource protection in the lower American River*
 21 *during consecutive dry-years under current and future de-*
 22 *mand and climate change conditions.*

23 **SEC. 1042. APPLICANTS.**

24 *In the event that the Bureau of Reclamation or another*
 25 *Federal agency initiates or reinitiates consultation with the*

1 *U.S. Fish and Wildlife Service or the National Marine*
 2 *Fisheries Service under section 7(a)(2) of the Endangered*
 3 *Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect*
 4 *to construction or operation of the Central Valley Project*
 5 *and State Water Project, or any part thereof, the State*
 6 *Water Project contractors and the Central Valley Project*
 7 *contractors will be accorded all the rights and responsibil-*
 8 *ities extended to applicants in the consultation process.*

9 **SEC. 1043. SAN JOAQUIN RIVER SETTLEMENT.**

10 (a) *CALIFORNIA STATE LAW SATISFIED BY WARM*
 11 *WATER FISHERY.—*

12 (1) *IN GENERAL.—Sections 5930 through 5948 of*
 13 *the California Fish and Game Code, and all applica-*
 14 *ble Federal laws, including the San Joaquin River*
 15 *Restoration Settlement Act (Public Law 111–11) and*
 16 *the Stipulation of Settlement (Natural Resources De-*
 17 *fense Council, et al. v. Kirk Rodgers, et al., Eastern*
 18 *District of California, No. Civ. S–88–1658–LKK/*
 19 *GGH), shall be satisfied by the existence of a warm*
 20 *water fishery in the San Joaquin River below Friant*
 21 *Dam, but upstream of Gravelly Ford.*

22 (2) *DEFINITION OF WARM WATER FISHERY.—For*
 23 *the purposes of this section, the term “warm water*
 24 *fishery” means a water system that has an environ-*
 25 *ment suitable for species of fish other than salmon*

1 *(including all subspecies) and trout (including all*
2 *subspecies).*

3 **(b) REPEAL OF THE SAN JOAQUIN RIVER SETTLE-**
4 **MENT.**—*As of the date of enactment of this section, the Sec-*
5 *retary of the Interior shall cease any action to implement*
6 *the San Joaquin River Restoration Settlement Act (subtitle*
7 *A of title X of Public Law 111–11) and the Stipulation*
8 *of Settlement (Natural Resources Defense Council, et al. v.*
9 *Kirk Rodgers, et al., Eastern District of California, No. Civ.*
10 *S–88–1658 LKK/GGH).*

11 **SEC. 1044. PROGRAM FOR WATER RESCHEDULING.**

12 *By December 31, 2015, the Secretary of the Interior*
13 *shall develop and implement a program, including resched-*
14 *uling guidelines for Shasta and Folsom Reservoirs, to allow*
15 *existing Central Valley Project agricultural water service*
16 *contractors within the Sacramento River Watershed, and*
17 *refuge service and municipal and industrial water service*
18 *contractors within the Sacramento River Watershed and the*
19 *American River Watershed to reschedule water, provided for*
20 *under their Central Valley Project contracts, from one year*
21 *to the next; provided, that the program is consistent with*
22 *existing rescheduling guidelines as utilized by the Bureau*
23 *of Reclamation for rescheduling water for Central Valley*
24 *Project water service contractors that are located South of*
25 *the Delta.*

1 **Subtitle D—CALFED STORAGE**
2 **FEASIBILITY STUDIES**

3 **SEC. 1051. STUDIES.**

4 *The Secretary of the Interior, through the Commis-*
5 *sioner of Reclamation, shall—*

6 (1) *complete the feasibility studies described in*
7 *clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of*
8 *Public Law 108–361 (118 Stat. 1684) and submit*
9 *such studies to the appropriate committees of the*
10 *House of Representatives and the Senate not later*
11 *than December 31, 2015;*

12 (2) *complete the feasibility study described in*
13 *clause (i)(II) of section 103(d)(1)(A) of Public Law*
14 *108–361 and submit such study to the appropriate*
15 *committees of the House of Representatives and the*
16 *Senate not later than November 30, 2016;*

17 (3) *complete a publicly available draft of the fea-*
18 *sibility study described in clause (ii)(I) of section*
19 *103(d)(1)(A) of Public Law 108–361 and submit such*
20 *study to the appropriate committees of the House of*
21 *Representatives and the Senate not later than Novem-*
22 *ber 30, 2016;*

23 (4) *complete the feasibility study described in*
24 *clause (ii)(I) of section 103(d)(1)(A) of Public Law*
25 *108–361 and submit such study to the appropriate*

1 *committees of the House of Representatives and the*
2 *Senate not later than November 30, 2017;*

3 *(5) complete the feasibility study described in*
4 *section 103(f)(1)(A) of Public Law 108–361 (118*
5 *Stat. 1694) and submit such study to the appropriate*
6 *Committees of the House of Representatives and the*
7 *Senate not later than December 31, 2017;*

8 *(6) provide a progress report on the status of the*
9 *feasibility studies referred to in paragraphs (1)*
10 *through (3) to the appropriate committees of the*
11 *House of Representatives and the Senate not later*
12 *than 90 days after the date of the enactment of this*
13 *Act and each 180 days thereafter until December 31,*
14 *2017, as applicable. The report shall include timelines*
15 *for study completion, draft environmental impact*
16 *statements, final environmental impact statements,*
17 *and Records of Decision;*

18 *(7) in conducting any feasibility study under*
19 *this Act, the reclamation laws, the Central Valley*
20 *Project Improvement Act (title XXXIV of Public Law*
21 *102–575; 106 Stat. 4706), the Fish and Wildlife Co-*
22 *ordination Act (16 U.S.C. 661 et seq.), the Endan-*
23 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.),*
24 *and other applicable law, for the purposes of deter-*
25 *mining feasibility the Secretary shall document, de-*

1 *lineate, and publish costs directly relating to the engi-*
2 *neering and construction of a water storage project*
3 *separately from the costs resulting from regulatory*
4 *compliance or the construction of auxiliary facilities*
5 *necessary to achieve regulatory compliance; and*

6 *(8) communicate, coordinate and cooperate with*
7 *public water agencies that contract with the United*
8 *States for Central Valley Project water and that are*
9 *expected to participate in the cost pools that will be*
10 *created for the projects proposed in the feasibility*
11 *studies under this section.*

12 **SEC. 1052. TEMPERANCE FLAT.**

13 *(a) DEFINITIONS.—For the purposes of this section:*

14 *(1) PROJECT.—The term “Project” means the*
15 *Temperance Flat Reservoir Project on the Upper San*
16 *Joaquin River.*

17 *(2) RMP.—The term “RMP” means the docu-*
18 *ment titled “Bakersfield Field Office, Record of Deci-*
19 *sion and Approved Resource Management Plan,”*
20 *dated December 2014.*

21 *(3) SECRETARY.—The term “Secretary” means*
22 *the Secretary of the Interior.*

23 *(b) APPLICABILITY OF RMP.—The RMP and findings*
24 *related thereto shall have no effect on or applicability to*

1 *the Secretary's determination of feasibility of, or on any*
2 *findings or environmental review documents related to—*

3 *(1) the Project; or*

4 *(2) actions taken by the Secretary pursuant to*
5 *section 103(d)(1)(A)(ii)(II) of the Bay-Delta Author-*
6 *ization Act (title I of Public Law 108–361).*

7 *(c) DUTIES OF SECRETARY UPON DETERMINATION OF*
8 *FEASIBILITY.—If the Secretary finds the Project to be fea-*
9 *sible, the Secretary shall manage the land recommended in*
10 *the RMP for designation under the Wild and Scenic Rivers*
11 *Act (16 U.S.C. 1271 et seq.) in a manner that does not*
12 *impede any environmental reviews, preconstruction, con-*
13 *struction, or other activities of the Project, regardless of*
14 *whether or not the Secretary submits any official rec-*
15 *ommendation to Congress under the Wild and Scenic Rivers*
16 *Act.*

17 *(d) RESERVED WATER RIGHTS.—Effective December*
18 *22, 2014, there shall be no Federal reserved water rights*
19 *to any segment of the San Joaquin River related to the*
20 *Project as a result of any designation made under the Wild*
21 *and Scenic Rivers Act (16 U.S.C. 1271 et seq.).*

22 **SEC. 1053. CALFED STORAGE ACCOUNTABILITY.**

23 *If the Secretary of the Interior fails to provide the fea-*
24 *sibility studies described in section 1051 to the appropriate*
25 *committees of the House of Representatives and the Senate*

1 *by the times prescribed, the Secretary shall notify each com-*
2 *mittee chair individually in person on the status of each*
3 *project once a month until the feasibility study for that*
4 *project is provided to Congress.*

5 **SEC. 1054. WATER STORAGE PROJECT CONSTRUCTION.**

6 (a) *PARTNERSHIP AND AGREEMENTS.*—*The Secretary*
7 *of the Interior, acting through the Commissioner of the Bu-*
8 *reau of Reclamation, may partner or enter into an agree-*
9 *ment on the water storage projects identified in section*
10 *103(d)(1) of the Water Supply Reliability and Environ-*
11 *mental Improvement Act (Public Law 108–361) (and Acts*
12 *supplemental and amendatory to the Act) with local joint*
13 *powers authorities formed pursuant to State law by irriga-*
14 *tion districts and other local water districts and local gov-*
15 *ernments within the applicable hydrologic region, to ad-*
16 *vance those projects.*

17 (b) *AUTHORIZATION FOR PROJECT.*—*If the Secretary*
18 *determines a project described in section 1052(a)(1) and (2)*
19 *is feasible, the Secretary is authorized to carry out the*
20 *project in a manner that is substantially in accordance*
21 *with the recommended plan, and subject to the conditions*
22 *described in the feasibility study, provided that no Federal*
23 *funding shall be used to construct the project.*

1 **Subtitle E—WATER RIGHTS**
2 **PROTECTIONS**

3 **SEC. 1061. OFFSET FOR STATE WATER PROJECT.**

4 (a) *IMPLEMENTATION IMPACTS.*—*The Secretary of the*
5 *Interior shall confer with the California Department of Fish*
6 *and Wildlife in connection with the implementation of this*
7 *Act on potential impacts to any consistency determination*
8 *for operations of the State Water Project issued pursuant*
9 *to California Fish and Game Code section 2080.1.*

10 (b) *ADDITIONAL YIELD.*—*If, as a result of the applica-*
11 *tion of this Act, the California Department of Fish and*
12 *Wildlife—*

13 (1) *revokes the consistency determinations pursu-*
14 *ant to California Fish and Game Code section 2080.1*
15 *that are applicable to the State Water Project;*

16 (2) *amends or issues one or more new consist-*
17 *ency determinations pursuant to California Fish and*
18 *Game Code section 2080.1 in a manner that directly*
19 *or indirectly results in reduced water supply to the*
20 *State Water Project as compared with the water sup-*
21 *ply available under the smelt biological opinion and*
22 *the salmonid biological opinion; or*

23 (3) *requires take authorization under California*
24 *Fish and Game Code section 2081 for operation of the*
25 *State Water Project in a manner that directly or in-*

1 *directly results in reduced water supply to the State*
2 *Water Project as compared with the water supply*
3 *available under the smelt biological opinion and the*
4 *salmonid biological opinion, and as a consequence of*
5 *the Department's action, Central Valley Project yield*
6 *is greater than it would have been absent the Depart-*
7 *ment's actions, then that additional yield shall be*
8 *made available to the State Water Project for delivery*
9 *to State Water Project contractors to offset losses re-*
10 *sulting from the Department's action.*

11 *(c) NOTIFICATION RELATED TO ENVIRONMENTAL PRO-*
12 *TECTIONS.—The Secretary of the Interior shall immediately*
13 *notify the Director of the California Department of Fish*
14 *and Wildlife in writing if the Secretary of the Interior de-*
15 *termines that implementation of the smelt biological opin-*
16 *ion and the salmonid biological opinion consistent with this*
17 *Act reduces environmental protections for any species cov-*
18 *ered by the opinions.*

19 **SEC. 1062. AREA OF ORIGIN PROTECTIONS.**

20 *(a) IN GENERAL.—The Secretary of the Interior is di-*
21 *rected, in the operation of the Central Valley Project, to ad-*
22 *here to California's water rights laws governing water*
23 *rights priorities and to honor water rights senior to those*
24 *held by the United States for operation of the Central Valley*
25 *Project, regardless of the source of priority, including any*

1 *appropriate water rights initiated prior to December 19,*
2 *1914, as well as water rights and other priorities perfected*
3 *or to be perfected pursuant to California Water Code Part*
4 *2 of Division 2. Article 1.7 (commencing with section 1215*
5 *of chapter 1 of part 2 of division 2, sections 10505, 10505.5,*
6 *11128, 11460, 11461, 11462, and 11463, and sections 12200*
7 *to 12220, inclusive).*

8 **(b) DIVERSIONS.**—*Any action undertaken by the Sec-*
9 *retary of the Interior and the Secretary of Commerce pursu-*
10 *ant to both this Act and section 7 of the Endangered Species*
11 *Act of 1973 (16 U.S.C. 1531 et seq.) that requires that di-*
12 *versions from the Sacramento River or the San Joaquin*
13 *River watersheds upstream of the Delta be bypassed shall*
14 *not be undertaken in a manner that alters the water rights*
15 *priorities established by California law.*

16 **(c) ENDANGERED SPECIES ACT.**—*Nothing in this sub-*
17 *title alters the existing authorities provided to and obliga-*
18 *tions placed upon the Federal Government under the En-*
19 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as*
20 *amended.*

21 **(d) CONTRACTS.**—*With respect to individuals and en-*
22 *tities with water rights on the Sacramento River, the man-*
23 *dates of this section may be met, in whole or in part,*
24 *through a contract with the Secretary of the Interior exe-*
25 *cuted pursuant to section 14 of Public Law 76–260; 53*

1 *Stat. 1187 (43 U.S.C. 389) that is in conformance with*
 2 *the Sacramento River Settlement Contracts renewed by the*
 3 *Secretary of the Interior in 2005.*

4 **SEC. 1063. NO REDIRECTED ADVERSE IMPACTS.**

5 (a) *IN GENERAL.*—*The Secretary of the Interior shall*
 6 *ensure that, except as otherwise provided for in a water*
 7 *service or repayment contract, actions taken in compliance*
 8 *with legal obligations imposed pursuant to or as a result*
 9 *of this Act, including such actions under section 7 of the*
 10 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*
 11 *and other applicable Federal and State laws, shall not di-*
 12 *rectly or indirectly—*

13 (1) *result in the involuntary reduction of water*
 14 *supply or fiscal impacts to individuals or districts*
 15 *who receive water from either the State Water Project*
 16 *or the United States under water rights settlement*
 17 *contracts, exchange contracts, water service contracts,*
 18 *repayment contracts, or water supply contracts; or*

19 (2) *cause redirected adverse water supply or fis-*
 20 *cal impacts to those within the Sacramento River wa-*
 21 *tershed, the San Joaquin River watershed or the State*
 22 *Water Project service area.*

23 (b) *COSTS.*—*To the extent that costs are incurred sole-*
 24 *ly pursuant to or as a result of this Act and would not*
 25 *otherwise have been incurred by any entity or public or*

1 *local agency or subdivision of the State of California, such*
 2 *costs shall not be borne by any such entity, agency, or sub-*
 3 *division of the State of California, unless such costs are in-*
 4 *curred on a voluntary basis.*

5 *(c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR*
 6 *AMENDED.—Nothing in this Act shall modify or amend the*
 7 *rights and obligations of the parties to any existing—*

8 *(1) water service, repayment, settlement, pur-*
 9 *chase, or exchange contract with the United States,*
 10 *including the obligation to satisfy exchange contracts*
 11 *and settlement contracts prior to the allocation of any*
 12 *other Central Valley Project water; or*

13 *(2) State Water Project water supply or settle-*
 14 *ment contract with the State.*

15 **SEC. 1064. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
 16 **TRACTORS.**

17 *(a) ALLOCATIONS.—*

18 *(1) IN GENERAL.—Subject to paragraph (2) and*
 19 *subsection (b), the Secretary of the Interior is di-*
 20 *rected, in the operation of the Central Valley Project,*
 21 *to allocate water provided for irrigation purposes to*
 22 *existing Central Valley Project agricultural water*
 23 *service contractors within the Sacramento River Wa-*
 24 *tershed in compliance with the following:*

1 (A) *Not less than 100 percent of their con-*
2 *tract quantities in a “Wet” year.*

3 (B) *Not less than 100 percent of their con-*
4 *tract quantities in an “Above Normal” year.*

5 (C) *Not less than 100 percent of their con-*
6 *tract quantities in a “Below Normal” year that*
7 *is preceded by an “Above Normal” or a “Wet”*
8 *year.*

9 (D) *Not less than 50 percent of their con-*
10 *tract quantities in a “Dry” year that is preceded*
11 *by a “Below Normal,” an “Above Normal,” or a*
12 *“Wet” year.*

13 (E) *In all other years not identified herein,*
14 *the allocation percentage for existing Central*
15 *Valley Project agricultural water service contrac-*
16 *tors within the Sacramento River Watershed*
17 *shall not be less than twice the allocation per-*
18 *centage to south-of-Delta Central Valley Project*
19 *agricultural water service contractors, up to 100*
20 *percent; provided, that nothing herein shall pre-*
21 *clude an allocation to existing Central Valley*
22 *Project agricultural water service contractors*
23 *within the Sacramento River Watershed that is*
24 *greater than twice the allocation percentage to*

1 *south-of-Delta Central Valley Project agricul-*
2 *tural water service contractors.*

3 (2) *CONDITIONS.—The Secretary’s actions under*
4 *paragraph (a) shall be subject to—*

5 (A) *the priority of individuals or entities*
6 *with Sacramento River water rights, including*
7 *those with Sacramento River Settlement Con-*
8 *tracts, that have priority to the diversion and*
9 *use of Sacramento River water over water rights*
10 *held by the United States for operations of the*
11 *Central Valley Project;*

12 (B) *the United States obligation to make a*
13 *substitute supply of water available to the San*
14 *Joaquin River Exchange Contractors; and*

15 (C) *the Secretary’s obligation to make water*
16 *available to managed wetlands pursuant to sec-*
17 *tion 3406(d) of the Central Valley Project Im-*
18 *provement Act (Public Law 102–575).*

19 (b) *PROTECTION OF MUNICIPAL AND INDUSTRIAL SUP-*
20 *PLIES.—Nothing in subsection (a) shall be deemed to—*

21 (1) *modify any provision of a water service con-*
22 *tract that addresses municipal and industrial water*
23 *shortage policies of the Secretary;*

1 (2) *affect or limit the authority of the Secretary*
2 *to adopt or modify municipal and industrial water*
3 *shortage policies;*

4 (3) *affect or limit the authority of the Secretary*
5 *to implement municipal and industrial water short-*
6 *age policies; or*

7 (4) *affect allocations to Central Valley Project*
8 *municipal and industrial contractors pursuant to*
9 *such policies.*

10 *Neither subsection (a) nor the Secretary's implementation*
11 *of subsection (a) shall constrain, govern or affect, directly,*
12 *the operations of the Central Valley Project's American*
13 *River Division or any deliveries from that Division, its*
14 *units or facilities.*

15 (c) *NO EFFECT ON ALLOCATIONS.—This section shall*
16 *not—*

17 (1) *affect the allocation of water to Friant Divi-*
18 *sion contractors; or*

19 (2) *result in the involuntary reduction in con-*
20 *tract water allocations to individuals or entities with*
21 *contracts to receive water from the Friant Division.*

22 (d) *PROGRAM FOR WATER RESCHEDULING.—The Sec-*
23 *retary of the Interior shall develop and implement a pro-*
24 *gram, not later than 1 year after the date of the enactment*
25 *of this Act, to provide for the opportunity for existing Cen-*

1 *tral Valley Project agricultural water service contractors*
 2 *within the Sacramento River Watershed to reschedule*
 3 *water, provided for under their Central Valley Project water*
 4 *service contracts, from one year to the next.*

5 *(e) DEFINITIONS.—In this section:*

6 *(1) The term “existing Central Valley Project ag-*
 7 *ricultural water service contractors within the Sac-*
 8 *ramento River Watershed” means water service con-*
 9 *tractors within the Shasta, Trinity, and Sacramento*
 10 *River Divisions of the Central Valley Project, that*
 11 *have a water service contract in effect, on the date of*
 12 *the enactment of this section, that provides water for*
 13 *irrigation.*

14 *(2) The year type terms used in subsection (a)*
 15 *have the meaning given those year types in the Sac-*
 16 *ramento Valley Water Year Type (40–30–30) Index.*

17 **SEC. 1065. EFFECT ON EXISTING OBLIGATIONS.**

18 *Nothing in this Act preempts or modifies any existing*
 19 *obligation of the United States under Federal reclamation*
 20 *law to operate the Central Valley Project in conformity with*
 21 *State law, including established water rights priorities.*

22 ***Subtitle F—MISCELLANEOUS***

23 **SEC. 1071. AUTHORIZED SERVICE AREA.**

24 *(a) IN GENERAL.—The authorized service area of the*
 25 *Central Valley Project authorized under the Central Valley*

1 *Project Improvement Act (Public Law 102–575; 106 Stat.*
2 *4706) shall include the area within the boundaries of the*
3 *Kettleman City Community Services District, California,*
4 *as in existence on the date of enactment of this Act.*

5 (b) *LONG-TERM CONTRACT.*—

6 (1) *IN GENERAL.*—*Notwithstanding the Central*
7 *Valley Project Improvement Act (Public Law 102–*
8 *575; 106 Stat. 4706) and subject to paragraph (2),*
9 *the Secretary of the Interior, in accordance with the*
10 *Federal reclamation laws, shall enter into a long-term*
11 *contract with the Kettleman City Community Serv-*
12 *ices District, California, under terms and conditions*
13 *mutually agreeable to the parties, for the delivery of*
14 *up to 900 acre-feet of Central Valley Project water for*
15 *municipal and industrial use.*

16 (2) *LIMITATION.*—*Central Valley Project water*
17 *deliveries authorized under the contract entered into*
18 *under paragraph (1) shall be limited to the minimal*
19 *quantity necessary to meet the immediate needs of the*
20 *Kettleman City Community Services District, Cali-*
21 *fornia, in the event that local supplies or State Water*
22 *Project allocations are insufficient to meet those*
23 *needs.*

24 (c) *PERMIT.*—*The Secretary shall apply for a permit*
25 *with the State for a joint place of use for water deliveries*

1 *authorized under the contract entered into under subsection*
 2 *(b) with respect to the expanded service area under sub-*
 3 *section (a), consistent with State law.*

4 *(d) ADDITIONAL COSTS.—If any additional infra-*
 5 *structure, water treatment, or related costs are needed to*
 6 *implement this section, those costs shall be the responsibility*
 7 *of the non-Federal entity.*

8 **SEC. 1072. OVERSIGHT BOARD FOR RESTORATION FUND.**

9 *(a) PLAN; ADVISORY BOARD.—Section 3407 of the*
 10 *Central Valley Project Improvement Act (Public Law 102–*
 11 *575; 106 Stat. 4726) is amended by adding at the end the*
 12 *following:*

13 *“(g) PLAN ON EXPENDITURE OF FUNDS.—*

14 *“(1) IN GENERAL.—For each fiscal year, the Sec-*
 15 *retary, in consultation with the Advisory Board, shall*
 16 *submit to Congress a plan for the expenditure of all*
 17 *of the funds deposited into the Restoration Fund dur-*
 18 *ing the preceding fiscal year.*

19 *“(2) CONTENTS.—The plan shall include an*
 20 *analysis of the cost-effectiveness of each expenditure.*

21 *“(h) ADVISORY BOARD.—*

22 *“(1) ESTABLISHMENT.—There is established the*
 23 *Restoration Fund Advisory Board (referred to in this*
 24 *section as the ‘Advisory Board’), which shall be com-*
 25 *posed of 11 members appointed by the Secretary.*

1 “(2) *MEMBERSHIP.*—

2 “(A) *IN GENERAL.*—*The Secretary shall ap-*
3 *point members to the Advisory Board that rep-*
4 *resent the various Central Valley Project stake-*
5 *holders, of whom—*

6 “(i) *4 members shall be agricultural*
7 *users of the Central Valley Project, includ-*
8 *ing at least one agricultural user from*
9 *north-of-the-Delta and one agricultural user*
10 *from south-of-the-Delta;*

11 “(ii) *2 members shall be municipal*
12 *and industrial users of the Central Valley*
13 *Project, including one municipal and in-*
14 *dustrial user from north-of-the-Delta and*
15 *one municipal and industrial user from*
16 *south-of-the-Delta;*

17 “(iii) *2 members shall be power con-*
18 *tractors of the Central Valley Project, in-*
19 *cluding at least one power contractor from*
20 *north-of-the-Delta and from south-of-the-*
21 *Delta;*

22 “(iv) *1 member shall be a representa-*
23 *tive of a Federal national wildlife refuge*
24 *that contracts for Central Valley Project*

1 *water supplies with the Bureau of Reclama-*
2 *tion;*

3 “(v) 1 member shall have expertise in
4 *the economic impacts of the changes to*
5 *water operations; and*

6 “(vi) 1 member shall be a representa-
7 *tive of a wildlife entity that primarily fo-*
8 *cuses on waterfowl.*

9 “(B) *OBSERVER.*—*The Secretary and the*
10 *Secretary of Commerce may each designate a*
11 *representative to act as an observer of the Advi-*
12 *sory Board.*

13 “(C) *CHAIR.*—*The Secretary shall appoint*
14 *1 of the members described in subparagraph (A)*
15 *to serve as Chair of the Advisory Board.*

16 “(3) *TERMS.*—*The term of each member of the*
17 *Advisory Board shall be 4 years.*

18 “(4) *DATE OF APPOINTMENTS.*—*The appoint-*
19 *ment of a member of the Panel shall be made not*
20 *later than—*

21 “(A) *the date that is 120 days after the date*
22 *of enactment of this Act; or*

23 “(B) *in the case of a vacancy on the Panel*
24 *described in subsection (c)(2), the date that is*

1 *120 days after the date on which the vacancy oc-*
2 *curs.*

3 “(5) *VACANCIES.*—

4 “(A) *IN GENERAL.*—*A vacancy on the Panel*
5 *shall be filled in the manner in which the origi-*
6 *nal appointment was made and shall be subject*
7 *to any conditions that applied with respect to*
8 *the original appointment.*

9 “(B) *FILLING UNEXPIRED TERM.*—*An indi-*
10 *vidual chosen to fill a vacancy shall be ap-*
11 *pointed for the unexpired term of the member re-*
12 *placed.*

13 “(C) *EXPIRATION OF TERMS.*—*The term of*
14 *any member shall not expire before the date on*
15 *which the successor of the member takes office.*

16 “(6) *REMOVAL.*—*A member of the Panel may be*
17 *removed from office by the Secretary of the Interior.*

18 “(7) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
19 *Panel shall not be subject to the requirements of the*
20 *Federal Advisory Committee Act.*

21 “(8) *DUTIES.*—*The duties of the Advisory Board*
22 *are—*

23 “(A) *to meet not less frequently than semi-*
24 *annually to develop and make recommendations*
25 *to the Secretary regarding priorities and spend-*

1 *ing levels on projects and programs carried out*
2 *under this title;*

3 “(B) *to ensure that any advice given or rec-*
4 *ommendation made by the Advisory Board re-*
5 *fects the independent judgment of the Advisory*
6 *Board;*

7 “(C) *not later than December 31, 2015, and*
8 *annually thereafter, to submit to the Secretary*
9 *and Congress the recommendations under sub-*
10 *paragraph (A); and*

11 “(D) *not later than December 31, 2015, and*
12 *biennially thereafter, to submit to Congress de-*
13 *tails of the progress made in achieving the ac-*
14 *tions required under section 3406.*

15 “(9) *ADMINISTRATION.—With the consent of the*
16 *appropriate agency head, the Advisory Board may*
17 *use the facilities and services of any Federal agency.*

18 “(10) *COOPERATION AND ASSISTANCE.—*

19 “(A) *PROVISION OF INFORMATION.—Upon*
20 *request of the Panel Chair for information or as-*
21 *sistance to facilitate carrying out this section,*
22 *the Secretary of the Interior shall promptly pro-*
23 *vide such information, unless otherwise prohib-*
24 *ited by law.*

1 “(B) *SPACE AND ASSISTANCE.*—*The Sec-*
2 *retary of the Interior shall provide the Panel*
3 *with appropriate and adequate office space, to-*
4 *gether with such equipment, office supplies, and*
5 *communications facilities and services as may be*
6 *necessary for the operation of the Panel, and*
7 *shall provide necessary maintenance services for*
8 *such offices and the equipment and facilities lo-*
9 *cated therein.”.*

10 **SEC. 1073. WATER SUPPLY ACCOUNTING.**

11 *(a) IN GENERAL.*—*All Central Valley Project water,*
12 *except Central Valley Project water released pursuant to*
13 *U.S. Department of the Interior Record of Decision, Trinity*
14 *River Mainstem Fishery Restoration Final Environmental*
15 *Impact Statement/Environmental Impact Report dated De-*
16 *cember 2000 used to implement an action undertaken for*
17 *a fishery beneficial purpose that was not imposed by terms*
18 *and conditions existing in licenses, permits, and other*
19 *agreements pertaining to the Central Valley Project under*
20 *applicable State or Federal law existing on October 30,*
21 *1992, shall be credited to the quantity of Central Valley*
22 *Project yield dedicated and managed under this section;*
23 *provided, that nothing herein shall affect the Secretary of*
24 *the Interior’s duty to comply with any otherwise lawful re-*

1 *quirement imposed on operations of the Central Valley*
2 *Project under any provision of Federal or State law.*

3 *(b) RECLAMATION POLICIES AND ALLOCATIONS.—Rec-*
4 *lamation policies and allocations shall not be based upon*
5 *any premise or assumption that Central Valley Project con-*
6 *tract supplies are supplemental or secondary to any other*
7 *contractor source of supply.*

8 **SEC. 1074. IMPLEMENTATION OF WATER REPLACEMENT**
9 **PLAN.**

10 *(a) IN GENERAL.—Not later than October 1, 2016, the*
11 *Secretary of the Interior shall update and implement the*
12 *plan required by section 3408(j) of title XXXIV of Public*
13 *Law 102–575. The Secretary shall notify the Congress an-*
14 *nually describing the progress of implementing the plan re-*
15 *quired by section 3408(j) of title XXXIV of Public Law*
16 *102–575.*

17 *(b) POTENTIAL AMENDMENT.—If the plan required in*
18 *subsection (a) has not increased the Central Valley Project*
19 *yield by 800,000 acre-feet within 5 years after the enact-*
20 *ment of this Act, then section 3406 of the Central Valley*
21 *Project Improvement Act (title XXXIV of Public Law 102–*
22 *575) is amended as follows:*

23 *(1) In subsection (b)—*

24 *(A) by amending paragraph (2)(C) to read:*

1 “(C) If by March 15, 2021, and any year
 2 thereafter the quantity of Central Valley Project
 3 water forecasted to be made available to all
 4 water service or repayment contractors of the
 5 Central Valley Project is below 50 percent of the
 6 total quantity of water to be made available
 7 under said contracts, the quantity of Central
 8 Valley Project yield dedicated and managed for
 9 that year under this paragraph shall be reduced
 10 by 25 percent.”.

11 **SEC. 1075. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

12 *After the date of the enactment of this title, and regard-*
 13 *less of the date of listing, the Secretaries of the Interior and*
 14 *Commerce shall not distinguish between natural-spawned*
 15 *and hatchery-spawned or otherwise artificially propagated*
 16 *strains of a species in making any determination under the*
 17 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*
 18 *that relates to any anadromous or pelagic fish species that*
 19 *resides for all or a portion of its life in the Sacramento-*
 20 *San Joaquin Delta or rivers tributary thereto.*

21 **SEC. 1076. TRANSFER THE NEW MELONES UNIT, CENTRAL**
 22 **VALLEY PROJECT TO INTERESTED PRO-**
 23 **VIDERS.**

24 (a) *DEFINITIONS.*—*For the purposes of this section, the*
 25 *following terms apply:*

1 (1) *INTERESTED LOCAL WATER AND POWER PRO-*
2 *VIDERS.—The term “interested local water and power*
3 *providers” includes the Calaveras County Water Dis-*
4 *trict, Calaveras Public Power Agency, Central San*
5 *Joaquin Water Conservation District, Oakdale Irriga-*
6 *tion District, Stockton East Water District, South*
7 *San Joaquin Irrigation District, Tuolumne Utilities*
8 *District, Tuolumne Public Power Agency, and Union*
9 *Public Utilities District.*

10 (2) *NEW MELONES UNIT, CENTRAL VALLEY*
11 *PROJECT.—The term “New Melones Unit, Central*
12 *Valley Project” means all Federal reclamation*
13 *projects located within or diverting water from or to*
14 *the watershed of the Stanislaus and San Joaquin riv-*
15 *ers and their tributaries as authorized by the Act of*
16 *August 26, 1937 (50 Stat. 850), and all Acts amend-*
17 *atory or supplemental thereto, including the Act of*
18 *October 23, 1962 (76 Stat. 1173).*

19 (3) *SECRETARY.—The term “Secretary” means*
20 *the Secretary of the Interior.*

21 (b) *NEGOTIATIONS.—Notwithstanding any other pro-*
22 *vision of law, not later than 180 days after the date of the*
23 *enactment of this Act, the Secretary shall enter into negotia-*
24 *tions with interested local water and power providers for*
25 *the transfer ownership, control, and operation of the New*

1 *Melones Unit, Central Valley Project to interested local*
2 *water and power providers within the State of California.*

3 (c) *TRANSFER.*—*The Secretary shall transfer the New*
4 *Melones Unit, Central Valley Project in accordance with an*
5 *agreement reached pursuant to negotiations conducted*
6 *under subsection (b).*

7 (d) *NOTIFICATION.*—*Not later than 360 days after the*
8 *date of the enactment of this Act, and every 6 months there-*
9 *after, the Secretary shall notify the appropriate committees*
10 *of the House of Representatives and the Senate—*

11 (1) *if an agreement is reached pursuant to nego-*
12 *tiations conducted under subsection (b), the terms of*
13 *that agreement;*

14 (2) *of the status of formal discussions with inter-*
15 *ested local water and power providers for the transfer*
16 *of ownership, control, and operation of the New*
17 *Melones Unit, Central Valley Project to interested*
18 *local water and power providers;*

19 (3) *of all unresolved issues that are preventing*
20 *execution of an agreement for the transfer of owner-*
21 *ship, control, and operation of the New Melones Unit,*
22 *Central Valley Project to interested local water and*
23 *power providers;*

24 (4) *on analysis and review of studies, reports,*
25 *discussions, hearing transcripts, negotiations, and*

1 *other information about past and present formal dis-*
2 *cussions that—*

3 *(A) have a serious impact on the progress of*
4 *the formal discussions;*

5 *(B) explain or provide information about*
6 *the issues that prevent progress or finalization of*
7 *formal discussions; or*

8 *(C) are, in whole or in part, preventing exe-*
9 *cution of an agreement for the transfer; and*

10 *(5) of any actions the Secretary recommends that*
11 *the United States should take to finalize an agreement*
12 *for that transfer.*

13 **SEC. 1077. BASIN STUDIES.**

14 *(a) AUTHORIZED STUDIES.—The Secretary of the In-*
15 *terior is authorized and directed to expand opportunities*
16 *and expedite completion of assessments under section*
17 *9503(b) of the SECURE Water Act (42 U.S.C. 10363(b)),*
18 *with non-Federal partners, of individual sub-basins and*
19 *watersheds within major Reclamation river basins; and*
20 *shall ensure timely decision and expedited implementation*
21 *of adaptation and mitigation strategies developed through*
22 *the special study process.*

23 *(b) FUNDING.—*

1 (1) *IN GENERAL.*—*The non-Federal partners*
2 *shall be responsible for 100 percent of the cost of the*
3 *special studies.*

4 (2) *CONTRIBUTED FUNDS.*—*The Secretary may*
5 *accept and use contributions of funds from the non-*
6 *Federal partners to carry out activities under the spe-*
7 *cial studies.*

8 **SEC. 1078. OPERATIONS OF THE TRINITY RIVER DIVISION.**

9 *The Secretary of the Interior, in the operation of the*
10 *Trinity River Division of the Central Valley Project, shall*
11 *not make releases from Lewiston Dam in excess of the vol-*
12 *ume for each water-year type required by the U.S. Depart-*
13 *ment of the Interior Record of Decision, Trinity River*
14 *Mainstem Fishery Restoration Final Environmental Im-*
15 *pact Statement/Environmental Impact Report dated De-*
16 *cember 2000.*

17 (1) *A maximum of 369,000 acre-feet in a “Criti-*
18 *cally Dry” year.*

19 (2) *A maximum of 453,000 acre-feet in a “Dry”*
20 *year.*

21 (3) *A maximum of 647,000 acre-feet in a “Nor-*
22 *mal” year.*

23 (4) *A maximum of 701,000 acre-feet in a “Wet”*
24 *year.*

1 (5) *A maximum of 815,000 acre-feet in an “Ex-*
2 *tremely Wet” year.*

3 **SEC. 1079. AMENDMENT TO PURPOSES.**

4 *Section 3402 of the Central Valley Project Improve-*
5 *ment Act (106 Stat. 4706) is amended—*

6 (1) *in subsection (f), by striking the period at the*
7 *end; and*

8 (2) *by adding at the end the following:*

9 “*(g) to ensure that water dedicated to fish and wildlife*
10 *purposes by this title is replaced and provided to Central*
11 *Valley Project water contractors by December 31, 2018, at*
12 *the lowest cost reasonably achievable; and*

13 “*(h) to facilitate and expedite water transfers in ac-*
14 *cordance with this Act.”.*

15 **SEC. 1080. AMENDMENT TO DEFINITION.**

16 *Section 3403 of the Central Valley Project Improve-*
17 *ment Act (106 Stat. 4707) is amended—*

18 (1) *by amending subsection (a) to read as fol-*
19 *lows:*

20 “*(a) the term ‘anadromous fish’ means those native*
21 *stocks of salmon (including steelhead) and sturgeon that,*
22 *as of October 30, 1992, were present in the Sacramento and*
23 *San Joaquin Rivers and their tributaries and ascend those*
24 *rivers and their tributaries to reproduce after maturing in*
25 *San Francisco Bay or the Pacific Ocean;”;*

1 (2) *in subsection (l), by striking “and,”;*

2 (3) *in subsection (m), by striking the period and*
3 *inserting “; and”; and*

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

5 “(n) *the term ‘reasonable flow’ means water flows ca-*
6 *pable of being maintained taking into account competing*
7 *consumptive uses of water and economic, environmental,*
8 *and social factors.”.*

9 **SEC. 1081. REPORT ON RESULTS OF WATER USAGE.**

10 *The Secretary of the Interior, in consultation with the*
11 *Secretary of Commerce and the Secretary of Natural Re-*
12 *sources of the State of California, shall publish an annual*
13 *report detailing instream flow releases from the Central*
14 *Valley Project and California State Water Project, their ex-*
15 *plicit purpose and authority, and all measured environ-*
16 *mental benefit as a result of the releases.*

17 **SEC. 1082. KLAMATH PROJECT CONSULTATION APPLI-**
18 **CANTS.**

19 *If the Bureau of Reclamation initiates or reinitiates*
20 *consultation with the U.S. Fish and Wildlife Service or the*
21 *National Marine Fisheries Service under section 7(a)(2) of*
22 *the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)),*
23 *with respect to construction or operation of the Klamath*
24 *Project (or any part thereof), Klamath Project contractors*
25 *shall be accorded all the rights and responsibilities extended*

1 to applicants in the consultation process. Upon request of
 2 the Klamath Project contractors, they may be represented
 3 through an association or organization.

4 ***Subtitle G—Water Supply***
 5 ***Permitting Act***

6 **SEC. 1091. SHORT TITLE.**

7 *This subtitle may be cited as the “Water Supply Per-*
 8 *mitting Coordination Act”.*

9 **SEC. 1092. DEFINITIONS.**

10 *In this subtitle:*

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

13 (2) *BUREAU.*—*The term “Bureau” means the*
 14 *Bureau of Reclamation.*

15 (3) *QUALIFYING PROJECTS.*—*The term “quali-*
 16 *fying projects” means new surface water storage*
 17 *projects in the States covered under the Act of June*
 18 *17, 1902 (32 Stat. 388, chapter 1093), and Acts sup-*
 19 *plemental to and amendatory of that Act (43 U.S.C.*
 20 *371 et seq.) constructed on lands administered by the*
 21 *Department of the Interior or the Department of Ag-*
 22 *riculture, exclusive of any easement, right-of-way,*
 23 *lease, or any private holding.*

24 (4) *COOPERATING AGENCIES.*—*The term “cooper-*
 25 *ating agency” means a Federal agency with jurisdic-*

1 *tion over a review, analysis, opinion, statement, per-*
 2 *mit, license, or other approval or decision required for*
 3 *a qualifying project under applicable Federal laws*
 4 *and regulations, or a State agency subject to section*
 5 *1093(c).*

6 **SEC. 1093. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
 7 **ATING AGENCIES.**

8 *(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau*
 9 *of Reclamation is established as the lead agency for pur-*
 10 *poses of coordinating all reviews, analyses, opinions, state-*
 11 *ments, permits, licenses, or other approvals or decisions re-*
 12 *quired under Federal law to construct qualifying projects.*

13 *(b) IDENTIFICATION AND ESTABLISHMENT OF CO-*
 14 *OPERATING AGENCIES.—The Commissioner of the Bureau*
 15 *shall—*

16 *(1) identify, as early as practicable upon receipt*
 17 *of an application for a qualifying project, any Fed-*
 18 *eral agency that may have jurisdiction over a review,*
 19 *analysis, opinion, statement, permit, license, ap-*
 20 *proval, or decision required for a qualifying project*
 21 *under applicable Federal laws and regulations; and*

22 *(2) notify any such agency, within a reasonable*
 23 *timeframe, that the agency has been designated as a*
 24 *cooperating agency in regards to the qualifying*
 25 *project unless that agency responds to the Bureau in*

1 *writing, within a timeframe set forth by the Bureau,*
2 *notifying the Bureau that the agency—*

3 *(A) has no jurisdiction or authority with*
4 *respect to the qualifying project;*

5 *(B) has no expertise or information relevant*
6 *to the qualifying project or any review, analysis,*
7 *opinion, statement, permit, license, or other ap-*
8 *proval or decision associated therewith; or*

9 *(C) does not intend to submit comments on*
10 *the qualifying project or conduct any review of*
11 *such a project or make any decision with respect*
12 *to such project in a manner other than in co-*
13 *operation with the Bureau.*

14 *(c) STATE AUTHORITY.—A State in which a quali-*
15 *fying project is being considered may choose, consistent*
16 *with State law—*

17 *(1) to participate as a cooperating agency; and*

18 *(2) to make subject to the processes of this sub-*
19 *title all State agencies that—*

20 *(A) have jurisdiction over the qualifying*
21 *project;*

22 *(B) are required to conduct or issue a re-*
23 *view, analysis, or opinion for the qualifying*
24 *project; or*

1 (C) are required to make a determination
2 on issuing a permit, license, or approval for the
3 qualifying project.

4 **SEC. 1094. BUREAU RESPONSIBILITIES.**

5 (a) *IN GENERAL.*—The principal responsibilities of the
6 Bureau under this subtitle are to—

7 (1) serve as the point of contact for applicants,
8 State agencies, Indian tribes, and others regarding
9 proposed qualifying projects;

10 (2) coordinate preparation of unified environ-
11 mental documentation that will serve as the basis for
12 all Federal decisions necessary to authorize the use of
13 Federal lands for qualifying projects; and

14 (3) coordinate all Federal agency reviews nec-
15 essary for project development and construction of
16 qualifying projects.

17 (b) *COORDINATION PROCESS.*—The Bureau shall have
18 the following coordination responsibilities:

19 (1) *PRE-APPLICATION COORDINATION.*—Notify
20 cooperating agencies of proposed qualifying projects
21 not later than 30 days after receipt of a proposal and
22 facilitate a preapplication meeting for prospective ap-
23 plicants, relevant Federal and State agencies, and In-
24 dian tribes to—

1 (A) explain applicable processes, data re-
2 quirements, and applicant submissions necessary
3 to complete the required Federal agency reviews
4 within the timeframe established; and

5 (B) establish the schedule for the qualifying
6 project.

7 (2) *CONSULTATION WITH COOPERATING AGEN-*
8 *CIES.*—Consult with the cooperating agencies through-
9 out the Federal agency review process, identify and
10 obtain relevant data in a timely manner, and set nec-
11 essary deadlines for cooperating agencies.

12 (3) *SCHEDULE.*—Work with the qualifying
13 project applicant and cooperating agencies to estab-
14 lish a project schedule. In establishing the schedule,
15 the Bureau shall consider, among other factors—

16 (A) the responsibilities of cooperating agen-
17 cies under applicable laws and regulations;

18 (B) the resources available to the cooper-
19 ating agencies and the non-Federal qualifying
20 project sponsor, as applicable;

21 (C) the overall size and complexity of the
22 qualifying project;

23 (D) the overall schedule for and cost of the
24 qualifying project; and

1 (E) the sensitivity of the natural and his-
2 toric resources that may be affected by the quali-
3 fying project.

4 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
5 unified environmental review document for each
6 qualifying project application, incorporating a single
7 environmental record on which all cooperating agen-
8 cies with authority to issue approvals for a given
9 qualifying project shall base project approval deci-
10 sions. Help ensure that cooperating agencies make
11 necessary decisions, within their respective authori-
12 ties, regarding Federal approvals in accordance with
13 the following timelines:

14 (A) Not later than one year after acceptance
15 of a completed project application when an envi-
16 ronmental assessment and finding of no signifi-
17 cant impact is determined to be the appropriate
18 level of review under the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.).

21 (B) Not later than one year and 30 days
22 after the close of the public comment period for
23 a draft environmental impact statement under
24 the National Environmental Policy Act of 1969

1 (42 U.S.C. 4321 et seq.), when an environmental
2 impact statement is required under the same.

3 (5) *CONSOLIDATED ADMINISTRATIVE RECORD.*—
4 Maintain a consolidated administrative record of the
5 information assembled and used by the cooperating
6 agencies as the basis for agency decisions.

7 (6) *PROJECT DATA RECORDS.*—To the extent
8 practicable and consistent with Federal law, ensure
9 that all project data is submitted and maintained in
10 generally accessible electronic format, compile, and
11 where authorized under existing law, make available
12 such project data to cooperating agencies, the quali-
13 fying project applicant, and to the public.

14 (7) *PROJECT MANAGER.*—Appoint a project
15 manager for each qualifying project. The project man-
16 ager shall have authority to oversee the project and to
17 facilitate the issuance of the relevant final authorizing
18 documents, and shall be responsible for ensuring ful-
19 fillment of all Bureau responsibilities set forth in this
20 section and all cooperating agency responsibilities
21 under section 1095.

22 **SEC. 1095. COOPERATING AGENCY RESPONSIBILITIES.**

23 (a) *ADHERENCE TO BUREAU SCHEDULE.*—Upon noti-
24 fication of an application for a qualifying project, all co-
25 operating agencies shall submit to the Bureau a timeframe

1 *under which the cooperating agency reasonably considers*
2 *it will be able to complete its authorizing responsibilities.*
3 *The Bureau shall use the timeframe submitted under this*
4 *subsection to establish the project schedule under section*
5 *1094, and the cooperating agencies shall adhere to the*
6 *project schedule established by the Bureau.*

7 **(b) ENVIRONMENTAL RECORD.**—*Cooperating agencies*
8 *shall submit to the Bureau all environmental review mate-*
9 *rial produced or compiled in the course of carrying out ac-*
10 *tivities required under Federal law consistent with the*
11 *project schedule established by the Bureau.*

12 **(c) DATA SUBMISSION.**—*To the extent practicable and*
13 *consistent with Federal law, the cooperating agencies shall*
14 *submit all relevant project data to the Bureau in a gen-*
15 *erally accessible electronic format subject to the project*
16 *schedule set forth by the Bureau.*

17 **SEC. 1096. FUNDING TO PROCESS PERMITS.**

18 **(a) IN GENERAL.**—*The Secretary, after public notice*
19 *in accordance with the Administrative Procedures Act (5*
20 *U.S.C. 553), may accept and expend funds contributed by*
21 *a non-Federal public entity to expedite the evaluation of*
22 *a permit of that entity related to a qualifying project.*

23 **(b) EFFECT ON PERMITTING.**—

24 **(1) IN GENERAL.**—*In carrying out this section,*
25 *the Secretary shall ensure that the use of funds ac-*

1 *cepted under subsection (a) will not impact impartial*
2 *decisionmaking with respect to permits, either sub-*
3 *stantively or procedurally.*

4 (2) *EVALUATION OF PERMITS.—In carrying out*
5 *this section, the Secretary shall ensure that the eval-*
6 *uation of permits carried out using funds accepted*
7 *under this section shall—*

8 (A) *be reviewed by the Regional Director of*
9 *the Bureau, or the Regional Director’s designee,*
10 *of the region in which the qualifying project or*
11 *activity is located; and*

12 (B) *use the same procedures for decisions*
13 *that would otherwise be required for the evalua-*
14 *tion of permits for similar projects or activities*
15 *not carried out using funds authorized under*
16 *this section.*

17 (3) *IMPARTIAL DECISIONMAKING.—In carrying*
18 *out this section, the Secretary and the cooperating*
19 *agencies receiving funds under this section for quali-*
20 *fying projects shall ensure that the use of the funds*
21 *accepted under this section for such projects shall*
22 *not—*

23 (A) *impact impartial decisionmaking with*
24 *respect to the issuance of permits, either sub-*
25 *stantively or procedurally; or*

1 (B) diminish, modify, or otherwise affect
 2 the statutory or regulatory authorities of such
 3 agencies.

4 (c) *LIMITATION ON USE OF FUNDS.*—None of the funds
 5 accepted under this section shall be used to carry out a re-
 6 view of the evaluation of permits required under subsection
 7 (b)(2)(A).

8 (d) *PUBLIC AVAILABILITY.*—The Secretary shall en-
 9 sure that all final permit decisions carried out using funds
 10 authorized under this section are made available to the pub-
 11 lic, including on the Internet.

12 ***Subtitle H—Bureau of Reclamation***
 13 ***Project Streamlining***

14 ***SEC. 1101. SHORT TITLE.***

15 This subtitle may be cited as the “Bureau of Reclama-
 16 tion Project Streamlining Act”.

17 ***SEC. 1102. DEFINITIONS.***

18 In this subtitle:

19 (1) *ENVIRONMENTAL IMPACT STATEMENT.*—The
 20 term “environmental impact statement” means the
 21 detailed statement of environmental impacts of a
 22 project required to be prepared pursuant to the Na-
 23 tional Environmental Policy Act of 1969 (42 U.S.C.
 24 4321 *et seq.*).

25 (2) *ENVIRONMENTAL REVIEW PROCESS.*—

1 (A) *IN GENERAL.*—*The term “environ-*
2 *mental review process” means the process of pre-*
3 *paring an environmental impact statement, en-*
4 *vironmental assessment, categorical exclusion, or*
5 *other document under the National Environ-*
6 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
7 *seq.) for a project study.*

8 (B) *INCLUSIONS.*—*The term “environmental*
9 *review process” includes the process for and com-*
10 *pletion of any environmental permit, approval,*
11 *review, or study required for a project study*
12 *under any Federal law other than the National*
13 *Environmental Policy Act of 1969 (42 U.S.C.*
14 *4321 et seq.).*

15 (3) *FEDERAL JURISDICTIONAL AGENCY.*—*The*
16 *term “Federal jurisdictional agency” means a Federal*
17 *agency with jurisdiction delegated by law, regulation,*
18 *order, or otherwise over a review, analysis, opinion,*
19 *statement, permit, license, or other approval or deci-*
20 *sion required for a project study under applicable*
21 *Federal laws (including regulations).*

22 (4) *FEDERAL LEAD AGENCY.*—*The term “Federal*
23 *lead agency” means the Bureau of Reclamation.*

24 (5) *PROJECT.*—*The term “project” means a sur-*
25 *face water project, a project under the purview of title*

1 *XVI of Public Law 102–575, or a rural water supply*
2 *project investigated under Public Law 109–451 to be*
3 *carried out, funded or operated in whole or in party*
4 *by the Secretary pursuant to the Act of June 17, 1902*
5 *(32 Stat. 388, chapter 1093), and Acts supplemental*
6 *to and amendatory of that Act (43 U.S.C. 371 et*
7 *seq.).*

8 (6) *PROJECT SPONSOR.*—*The term “project spon-*
9 *sor” means a State, regional, or local authority or in-*
10 *strumentality or other qualifying entity, such as a*
11 *water conservation district, irrigation district, water*
12 *conservancy district, joint powers authority, mutual*
13 *water company, canal company, rural water district*
14 *or association, or any other entity that has the capac-*
15 *ity to contract with the United States under Federal*
16 *reclamation law.*

17 (7) *PROJECT STUDY.*—*The term “project study”*
18 *means a feasibility study for a project carried out*
19 *pursuant to the Act of June 17, 1902 (32 Stat. 388,*
20 *chapter 1093), and Acts supplemental to and amend-*
21 *atory of that Act (43 U.S.C. 371 et seq.).*

22 (8) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of the Interior.*

24 (9) *SURFACE WATER STORAGE.*—*The term “sur-*
25 *face water storage” means any surface water reservoir*

1 *or impoundment that would be owned, funded or op-*
2 *erated in whole or in part by the Bureau of Reclama-*
3 *tion or that would be integrated into a larger system*
4 *owned, operated or administered in whole or in part*
5 *by the Bureau of Reclamation.*

6 **SEC. 1103. ACCELERATION OF STUDIES.**

7 *(a) IN GENERAL.—To the extent practicable, a project*
8 *study initiated by the Secretary, after the date of enactment*
9 *of this Act, under the Reclamation Act of 1902 (32 Stat.*
10 *388), and all Acts amendatory thereof or supplementary*
11 *thereto, shall—*

12 *(1) result in the completion of a final feasibility*
13 *report not later than 3 years after the date of initi-*
14 *ation;*

15 *(2) have a maximum Federal cost of \$3,000,000;*
16 *and*

17 *(3) ensure that personnel from the local project*
18 *area, region, and headquarters levels of the Bureau of*
19 *Reclamation concurrently conduct the review required*
20 *under this section.*

21 *(b) EXTENSION.—If the Secretary determines that a*
22 *project study described in subsection (a) will not be con-*
23 *ducted in accordance with subsection (a), the Secretary, not*
24 *later than 30 days after the date of making the determina-*
25 *tion, shall—*

1 (1) *prepare an updated project study schedule*
2 *and cost estimate;*

3 (2) *notify the non-Federal project cost-sharing*
4 *partner that the project study has been delayed; and*

5 (3) *provide written notice to the Committee on*
6 *Natural Resources of the House of Representatives*
7 *and the Committee on Energy and Natural Resources*
8 *of the Senate as to the reasons the requirements of*
9 *subsection (a) are not attainable.*

10 (c) *EXCEPTION.—*

11 (1) *IN GENERAL.—Notwithstanding the require-*
12 *ments of subsection (a), the Secretary may extend the*
13 *timeline of a project study by a period not to exceed*
14 *3 years, if the Secretary determines that the project*
15 *study is too complex to comply with the requirements*
16 *of subsection (a).*

17 (2) *FACTORS.—In making a determination that*
18 *a study is too complex to comply with the require-*
19 *ments of subsection (a), the Secretary shall consider—*

20 (A) *the type, size, location, scope, and over-*
21 *all cost of the project;*

22 (B) *whether the project will use any innova-*
23 *tive design or construction techniques;*

1 (C) whether the project will require signifi-
2 cant action by other Federal, State, or local
3 agencies;

4 (D) whether there is significant public dis-
5 pute as to the nature or effects of the project; and

6 (E) whether there is significant public dis-
7 pute as to the economic or environmental costs or
8 benefits of the project.

9 (3) NOTIFICATION.—Each time the Secretary
10 makes a determination under this subsection, the Sec-
11 retary shall provide written notice to the Committee
12 on Natural Resources of the House of Representatives
13 and the Committee on Energy and Natural Resources
14 of the Senate as to the results of that determination,
15 including an identification of the specific one or more
16 factors used in making the determination that the
17 project is complex.

18 (4) LIMITATION.—The Secretary shall not extend
19 the timeline for a project study for a period of more
20 than 7 years, and any project study that is not com-
21 pleted before that date shall no longer be authorized.

22 (d) REVIEWS.—Not later than 90 days after the date
23 of the initiation of a project study described in subsection
24 (a), the Secretary shall—

1 (1) take all steps necessary to initiate the process
2 for completing federally mandated reviews that the
3 Secretary is required to complete as part of the study,
4 including the environmental review process under sec-
5 tion 1105;

6 (2) convene a meeting of all Federal, tribal, and
7 State agencies identified under section 1105(d) that
8 may—

9 (A) have jurisdiction over the project;

10 (B) be required by law to conduct or issue
11 a review, analysis, opinion, or statement for the
12 project study; or

13 (C) be required to make a determination on
14 issuing a permit, license, or other approval or
15 decision for the project study; and

16 (3) take all steps necessary to provide informa-
17 tion that will enable required reviews and analyses
18 related to the project to be conducted by other agencies
19 in a thorough and timely manner.

20 (e) *INTERIM REPORT*.—Not later than 18 months after
21 the date of enactment of this Act, the Secretary shall submit
22 to the Committee on Natural Resources of the House of Rep-
23 resentatives and the Committee on Energy and Natural Re-
24 sources of the Senate and make publicly available a report
25 that describes—

1 (1) *the status of the implementation of the plan-*
2 *ning process under this section, including the number*
3 *of participating projects;*

4 (2) *a review of project delivery schedules, includ-*
5 *ing a description of any delays on those studies initi-*
6 *ated prior to the date of the enactment of this Act;*
7 *and*

8 (3) *any recommendations for additional author-*
9 *ity necessary to support efforts to expedite the project.*

10 (f) *FINAL REPORT.*—*Not later than 4 years after the*
11 *date of enactment of this Act, the Secretary shall submit*
12 *to the Committee on Natural Resources of the House of Rep-*
13 *resentatives and the Committee on Energy and Natural Re-*
14 *sources of the Senate and make publicly available a report*
15 *that describes—*

16 (1) *the status of the implementation of this sec-*
17 *tion, including a description of each project study*
18 *subject to the requirements of this section;*

19 (2) *the amount of time taken to complete each*
20 *project study; and*

21 (3) *any recommendations for additional author-*
22 *ity necessary to support efforts to expedite the project*
23 *study process, including an analysis of whether the*
24 *limitation established by subsection (a)(2) needs to be*
25 *adjusted to address the impacts of inflation.*

1 **SEC. 1104. EXPEDITED COMPLETION OF REPORTS.**

2 *The Secretary shall—*

3 *(1) expedite the completion of any ongoing*
4 *project study initiated before the date of enactment of*
5 *this Act; and*

6 *(2) if the Secretary determines that the project is*
7 *justified in a completed report, proceed directly to*
8 *preconstruction planning, engineering, and design of*
9 *the project in accordance with the Reclamation Act of*
10 *1902 (32 Stat. 388), and all Acts amendatory thereof*
11 *or supplementary thereto.*

12 **SEC. 1105. PROJECT ACCELERATION.**

13 *(a) APPLICABILITY.—*

14 *(1) IN GENERAL.—This section shall apply to—*

15 *(A) each project study that is initiated after*
16 *the date of enactment of this Act and for which*
17 *an environmental impact statement is prepared*
18 *under the National Environmental Policy Act of*
19 *1969 (42 U.S.C. 4321 et seq.);*

20 *(B) the extent determined appropriate by*
21 *the Secretary, to other project studies initiated*
22 *before the date of enactment of this Act and for*
23 *which an environmental review process document*
24 *is prepared under the National Environmental*
25 *Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

1 (C) any project study for the development of
2 a non-federally owned and operated surface
3 water storage project for which the Secretary de-
4 termines there is a demonstrable Federal interest
5 and the project—

6 (i) is located in a river basin where
7 other Bureau of Reclamation water projects
8 are located;

9 (ii) will create additional water sup-
10 plies that support Bureau of Reclamation
11 water projects; or

12 (iii) will become integrated into the
13 operation of Bureau of Reclamation water
14 projects.

15 (2) *FLEXIBILITY.*—Any authority granted under
16 this section may be exercised, and any requirement
17 established under this section may be satisfied, for the
18 conduct of an environmental review process for a
19 project study, a class of project studies, or a program
20 of project studies.

21 (3) *LIST OF PROJECT STUDIES.*—

22 (A) *IN GENERAL.*—The Secretary shall an-
23 nually prepare, and make publicly available, a
24 list of all project studies that the Secretary has
25 determined—

1 (i) meets the standards described in
2 paragraph (1); and

3 (ii) does not have adequate funding to
4 make substantial progress toward the com-
5 pletion of the project study.

6 (B) *INCLUSIONS.*—The Secretary shall in-
7 clude for each project study on the list under
8 subparagraph (A) a description of the estimated
9 amounts necessary to make substantial progress
10 on the project study.

11 (b) *PROJECT REVIEW PROCESS.*—

12 (1) *IN GENERAL.*—The Secretary shall develop
13 and implement a coordinated environmental review
14 process for the development of project studies.

15 (2) *COORDINATED REVIEW.*—The coordinated en-
16 vironmental review process described in paragraph
17 (1) shall require that any review, analysis, opinion,
18 statement, permit, license, or other approval or deci-
19 sion issued or made by a Federal, State, or local gov-
20 ernmental agency or an Indian tribe for a project
21 study described in subsection (b) be conducted, to the
22 maximum extent practicable, concurrently with any
23 other applicable governmental agency or Indian tribe.

24 (3) *TIMING.*—The coordinated environmental re-
25 view process under this subsection shall be completed

1 *not later than the date on which the Secretary, in*
2 *consultation and concurrence with the agencies iden-*
3 *tified under section 1105(d), establishes with respect*
4 *to the project study.*

5 *(c) LEAD AGENCIES.—*

6 *(1) JOINT LEAD AGENCIES.—*

7 *(A) IN GENERAL.—Subject to the require-*
8 *ments of the National Environmental Policy Act*
9 *of 1969 (42 U.S.C. 4321 et seq.) and the require-*
10 *ments of section 1506.8 of title 40, Code of Fed-*
11 *eral Regulations (or successor regulations), in-*
12 *cluding the concurrence of the proposed joint*
13 *lead agency, a project sponsor may serve as the*
14 *joint lead agency.*

15 *(B) PROJECT SPONSOR AS JOINT LEAD*
16 *AGENCY.—A project sponsor that is a State or*
17 *local governmental entity may—*

18 *(i) with the concurrence of the Sec-*
19 *retary, serve as a joint lead agency with the*
20 *Federal lead agency for purposes of pre-*
21 *paring any environmental document under*
22 *the National Environmental Policy Act of*
23 *1969 (42 U.S.C. 4321 et seq.); and*

24 *(ii) prepare any environmental review*
25 *process document under the National Envi-*

1 *ronmental Policy Act of 1969 (42 U.S.C.*
2 *4321 et seq.) required in support of any ac-*
3 *tion or approval by the Secretary if—*

4 *(I) the Secretary provides guid-*
5 *ance in the preparation process and*
6 *independently evaluates that document;*

7 *(II) the project sponsor complies*
8 *with all requirements applicable to the*
9 *Secretary under—*

10 *(aa) the National Environ-*
11 *mental Policy Act of 1969 (42*
12 *U.S.C. 4321 et seq.);*

13 *(bb) any regulation imple-*
14 *menting that Act; and*

15 *(cc) any other applicable*
16 *Federal law; and*

17 *(III) the Secretary approves and*
18 *adopts the document before the Sec-*
19 *retary takes any subsequent action or*
20 *makes any approval based on that doc-*
21 *ument, regardless of whether the action*
22 *or approval of the Secretary results in*
23 *Federal funding.*

24 *(2) DUTIES.—The Secretary shall ensure that—*

1 (A) the project sponsor complies with all de-
2 sign and mitigation commitments made jointly
3 by the Secretary and the project sponsor in any
4 environmental document prepared by the project
5 sponsor in accordance with this subsection; and

6 (B) any environmental document prepared
7 by the project sponsor is appropriately supple-
8 mented to address any changes to the project the
9 Secretary determines are necessary.

10 (3) *ADOPTION AND USE OF DOCUMENTS.*—Any
11 environmental document prepared in accordance with
12 this subsection shall be adopted and used by any Fed-
13 eral agency making any determination related to the
14 project study to the same extent that the Federal
15 agency could adopt or use a document prepared by
16 another Federal agency under—

17 (A) the National Environmental Policy Act
18 of 1969 (42 U.S.C. 4321 et seq.); and

19 (B) parts 1500 through 1508 of title 40,
20 Code of Federal Regulations (or successor regula-
21 tions).

22 (4) *ROLES AND RESPONSIBILITY OF LEAD AGEN-*
23 *CY.*—With respect to the environmental review process
24 for any project study, the Federal lead agency shall
25 have authority and responsibility—

1 (A) to take such actions as are necessary
2 and proper and within the authority of the Fed-
3 eral lead agency to facilitate the expeditious reso-
4 lution of the environmental review process for the
5 project study; and

6 (B) to prepare or ensure that any required
7 environmental impact statement or other envi-
8 ronmental review document for a project study
9 required to be completed under the National En-
10 vironmental Policy Act of 1969 (42 U.S.C. 4321
11 et seq.) is completed in accordance with this sec-
12 tion and applicable Federal law.

13 (d) *PARTICIPATING AND COOPERATING AGENCIES.*—

14 (1) *IDENTIFICATION OF JURISDICTIONAL AGEN-*
15 *CIES.*—With respect to carrying out the environ-
16 mental review process for a project study, the Sec-
17 retary shall identify, as early as practicable in the
18 environmental review process, all Federal, State, and
19 local government agencies and Indian tribes that
20 may—

21 (A) have jurisdiction over the project;

22 (B) be required by law to conduct or issue
23 a review, analysis, opinion, or statement for the
24 project study; or

1 (C) be required to make a determination on
2 issuing a permit, license, or other approval or
3 decision for the project study.

4 (2) *STATE AUTHORITY.*—If the environmental re-
5 view process is being implemented by the Secretary
6 for a project study within the boundaries of a State,
7 the State, consistent with State law, may choose to
8 participate in the process and to make subject to the
9 process all State agencies that—

10 (A) have jurisdiction over the project;

11 (B) are required to conduct or issue a re-
12 view, analysis, opinion, or statement for the
13 project study; or

14 (C) are required to make a determination
15 on issuing a permit, license, or other approval or
16 decision for the project study.

17 (3) *INVITATION.*—

18 (A) *IN GENERAL.*—The Federal lead agency
19 shall invite, as early as practicable in the envi-
20 ronmental review process, any agency identified
21 under paragraph (1) to become a participating
22 or cooperating agency, as applicable, in the envi-
23 ronmental review process for the project study.

24 (B) *DEADLINE.*—An invitation to partici-
25 pate issued under subparagraph (A) shall set a

1 *deadline by which a response to the invitation*
2 *shall be submitted, which may be extended by the*
3 *Federal lead agency for good cause.*

4 (4) *PROCEDURES.*—*Section 1501.6 of title 40,*
5 *Code of Federal Regulations (as in effect on the date*
6 *of enactment of the Bureau of Reclamation Project*
7 *Streamlining Act) shall govern the identification and*
8 *the participation of a cooperating agency.*

9 (5) *FEDERAL COOPERATING AGENCIES.*—*Any*
10 *Federal agency that is invited by the Federal lead*
11 *agency to participate in the environmental review*
12 *process for a project study shall be designated as a co-*
13 *operating agency by the Federal lead agency unless*
14 *the invited agency informs the Federal lead agency,*
15 *in writing, by the deadline specified in the invitation*
16 *that the invited agency—*

17 (A)(i) *has no jurisdiction or authority with*
18 *respect to the project;*

19 (ii) *has no expertise or information relevant*
20 *to the project; or*

21 (iii) *does not have adequate funds to par-*
22 *ticipate in the project; and*

23 (B) *does not intend to submit comments on*
24 *the project.*

1 (6) *ADMINISTRATION.*—*A participating or co-*
2 *operating agency shall comply with this section and*
3 *any schedule established under this section.*

4 (7) *EFFECT OF DESIGNATION.*—*Designation as a*
5 *participating or cooperating agency under this sub-*
6 *section shall not imply that the participating or co-*
7 *operating agency—*

8 (A) *supports a proposed project; or*

9 (B) *has any jurisdiction over, or special ex-*
10 *pertise with respect to evaluation of, the project.*

11 (8) *CONCURRENT REVIEWS.*—*Each participating*
12 *or cooperating agency shall—*

13 (A) *carry out the obligations of that agency*
14 *under other applicable law concurrently and in*
15 *conjunction with the required environmental re-*
16 *view process, unless doing so would prevent the*
17 *participating or cooperating agency from con-*
18 *ducting needed analysis or otherwise carrying*
19 *out those obligations; and*

20 (B) *formulate and implement administra-*
21 *tive, policy, and procedural mechanisms to en-*
22 *able the agency to ensure completion of the envi-*
23 *ronmental review process in a timely, coordi-*
24 *nated, and environmentally responsible manner.*

1 (e) *NON-FEDERAL PROJECTS INTEGRATED INTO REC-*
2 *LAMATION SYSTEMS.*—*The Federal lead agency shall serve*
3 *in that capacity for the entirety of all non-Federal projects*
4 *that will be integrated into a larger system owned, operated*
5 *or administered in whole or in part by the Bureau of Rec-*
6 *lamation.*

7 (f) *NON-FEDERAL PROJECT.*—*If the Secretary deter-*
8 *mines that a project can be expedited by a non-Federal*
9 *sponsor and that there is a demonstrable Federal interest*
10 *in expediting that project, the Secretary shall take such ac-*
11 *tions as are necessary to advance such a project as a non-*
12 *Federal project, including, but not limited to, entering into*
13 *agreements with the non-Federal sponsor of such project to*
14 *support the planning, design and permitting of such project*
15 *as a non-Federal project.*

16 (g) *PROGRAMMATIC COMPLIANCE.*—

17 (1) *IN GENERAL.*—*The Secretary shall issue*
18 *guidance regarding the use of programmatic ap-*
19 *proaches to carry out the environmental review proc-*
20 *ess that—*

21 (A) *eliminates repetitive discussions of the*
22 *same issues;*

23 (B) *focuses on the actual issues ripe for*
24 *analyses at each level of review;*

1 (C) establishes a formal process for coordi-
2 nating with participating and cooperating agen-
3 cies, including the creation of a list of all data
4 that are needed to carry out an environmental
5 review process; and

6 (D) complies with—

7 (i) the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 *et seq.*); and

9 (ii) all other applicable laws.

10 (2) REQUIREMENTS.—In carrying out para-
11 graph (1), the Secretary shall—

12 (A) as the first step in drafting guidance
13 under that paragraph, consult with relevant Fed-
14 eral, State, and local governmental agencies, In-
15 dian tribes, and the public on the appropriate
16 use and scope of the programmatic approaches;

17 (B) emphasize the importance of collabora-
18 tion among relevant Federal, State, and local
19 governmental agencies, and Indian tribes in un-
20 dertaking programmatic reviews, especially with
21 respect to including reviews with a broad geo-
22 graphical scope;

23 (C) ensure that the programmatic reviews—

24 (i) promote transparency, including of
25 the analyses and data used in the environ-

1 *mental review process, the treatment of any*
2 *deferred issues raised by Federal, State, and*
3 *local governmental agencies, Indian tribes,*
4 *or the public, and the temporal and special*
5 *scales to be used to analyze those issues;*

6 *(ii) use accurate and timely informa-*
7 *tion in the environmental review process,*
8 *including—*

9 *(I) criteria for determining the*
10 *general duration of the usefulness of*
11 *the review; and*

12 *(II) the timeline for updating any*
13 *out-of-date review;*

14 *(iii) describe—*

15 *(I) the relationship between pro-*
16 *grammatic analysis and future tiered*
17 *analysis; and*

18 *(II) the role of the public in the*
19 *creation of future tiered analysis; and*

20 *(iv) are available to other relevant*
21 *Federal, State, and local governmental*
22 *agencies, Indian tribes, and the public;*

23 *(D) allow not fewer than 60 days of public*
24 *notice and comment on any proposed guidance;*
25 *and*

1 (E) address any comments received under
2 subparagraph (D).

3 (h) *COORDINATED REVIEWS.*—

4 (1) *COORDINATION PLAN.*—

5 (A) *ESTABLISHMENT.*—*The Federal lead*
6 *agency shall, after consultation with and with*
7 *the concurrence of each participating and co-*
8 *operating agency and the project sponsor or joint*
9 *lead agency, as applicable, establish a plan for*
10 *coordinating public and agency participation in,*
11 *and comment on, the environmental review proc-*
12 *ess for a project study or a category of project*
13 *studies.*

14 (B) *SCHEDULE.*—

15 (i) *IN GENERAL.*—*As soon as prac-*
16 *ticable but not later than 45 days after the*
17 *close of the public comment period on a*
18 *draft environmental impact statement, the*
19 *Federal lead agency, after consultation with*
20 *and the concurrence of each participating*
21 *and cooperating agency and the project*
22 *sponsor or joint lead agency, as applicable,*
23 *shall establish, as part of the coordination*
24 *plan established in subparagraph (A), a*

1 *schedule for completion of the environmental*
2 *review process for the project study.*

3 *(ii) FACTORS FOR CONSIDERATION.—*

4 *In establishing a schedule, the Secretary*
5 *shall consider factors such as—*

6 *(I) the responsibilities of partici-*
7 *parting and cooperating agencies under*
8 *applicable laws;*

9 *(II) the resources available to the*
10 *project sponsor, joint lead agency, and*
11 *other relevant Federal and State agen-*
12 *cies, as applicable;*

13 *(III) the overall size and com-*
14 *plexity of the project;*

15 *(IV) the overall schedule for and*
16 *cost of the project; and*

17 *(V) the sensitivity of the natural*
18 *and historical resources that could be*
19 *affected by the project.*

20 *(iii) MODIFICATIONS.—The Secretary*
21 *may—*

22 *(I) lengthen a schedule established*
23 *under clause (i) for good cause; and*

24 *(II) shorten a schedule only with*
25 *concurrence of the affected partici-*

1 *pating and cooperating agencies and*
2 *the project sponsor or joint lead agen-*
3 *cy, as applicable.*

4 *(iv) DISSEMINATION.—A copy of a*
5 *schedule established under clause (i) shall*
6 *be—*

7 *(I) provided to each participating*
8 *and cooperating agency and the project*
9 *sponsor or joint lead agency, as appli-*
10 *cable; and*

11 *(II) made available to the public.*

12 *(2) COMMENT DEADLINES.—The Federal lead*
13 *agency shall establish the following deadlines for com-*
14 *ment during the environmental review process for a*
15 *project study:*

16 *(A) DRAFT ENVIRONMENTAL IMPACT STATE-*
17 *MENTS.—For comments by Federal and State*
18 *agencies and the public on a draft environmental*
19 *impact statement, a period of not more than 60*
20 *days after publication in the Federal Register of*
21 *notice of the date of public availability of the*
22 *draft environmental impact statement, unless—*

23 *(i) a different deadline is established*
24 *by agreement of the Federal lead agency, the*
25 *project sponsor or joint lead agency, as ap-*

1 *plicable, and all participating and cooper-*
2 *ating agencies; or*

3 *(ii) the deadline is extended by the*
4 *Federal lead agency for good cause.*

5 *(B) OTHER ENVIRONMENTAL REVIEW PROC-*
6 *ESSES.—For all other comment periods estab-*
7 *lished by the Federal lead agency for agency or*
8 *public comments in the environmental review*
9 *process, a period of not more than 30 days after*
10 *the date on which the materials on which com-*
11 *ment is requested are made available, unless—*

12 *(i) a different deadline is established*
13 *by agreement of the Federal lead agency, the*
14 *project sponsor, or joint lead agency, as ap-*
15 *plicable, and all participating and cooper-*
16 *ating agencies; or*

17 *(ii) the deadline is extended by the*
18 *Federal lead agency for good cause.*

19 *(3) DEADLINES FOR DECISIONS UNDER OTHER*
20 *LAWS.—In any case in which a decision under any*
21 *Federal law relating to a project study, including the*
22 *issuance or denial of a permit or license, is required*
23 *to be made by the date described in subsection*
24 *(i)(5)(B), the Secretary shall submit to the Committee*
25 *on Natural Resources of the House of Representatives*

1 *and the Committee on Energy and Natural Resources*
2 *of the Senate—*

3 *(A) as soon as practicable after the 180-day*
4 *period described in subsection (i)(5)(B), an ini-*
5 *tial notice of the failure of the Federal agency to*
6 *make the decision; and*

7 *(B) every 60 days thereafter until such date*
8 *as all decisions of the Federal agency relating to*
9 *the project study have been made by the Federal*
10 *agency, an additional notice that describes the*
11 *number of decisions of the Federal agency that*
12 *remain outstanding as of the date of the addi-*
13 *tional notice.*

14 *(4) INVOLVEMENT OF THE PUBLIC.—Nothing in*
15 *this subsection reduces any time period provided for*
16 *public comment in the environmental review process*
17 *under applicable Federal law (including regulations).*

18 *(5) TRANSPARENCY REPORTING.—*

19 *(A) REPORTING REQUIREMENTS.—Not later*
20 *than 1 year after the date of enactment of this*
21 *Act, the Secretary shall establish and maintain*
22 *an electronic database and, in coordination with*
23 *other Federal and State agencies, issue reporting*
24 *requirements to make publicly available the sta-*
25 *tus and progress with respect to compliance with*

1 *applicable requirements of the National Environ-*
2 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
3 *seq.) and any other Federal, State, or local ap-*
4 *proval or action required for a project study for*
5 *which this section is applicable.*

6 *(B) PROJECT STUDY TRANSPARENCY.—Con-*
7 *sistent with the requirements established under*
8 *subparagraph (A), the Secretary shall make pub-*
9 *licly available the status and progress of any*
10 *Federal, State, or local decision, action, or ap-*
11 *proval required under applicable laws for each*
12 *project study for which this section is applicable.*

13 *(i) ISSUE IDENTIFICATION AND RESOLUTION.—*

14 *(1) COOPERATION.—The Federal lead agency, the*
15 *cooperating agencies, and any participating agencies*
16 *shall work cooperatively in accordance with this sec-*
17 *tion to identify and resolve issues that could delay*
18 *completion of the environmental review process or re-*
19 *sult in the denial of any approval required for the*
20 *project study under applicable laws.*

21 *(2) FEDERAL LEAD AGENCY RESPONSIBIL-*
22 *ITIES.—*

23 *(A) IN GENERAL.—The Federal lead agency*
24 *shall make information available to the cooper-*
25 *ating agencies and participating agencies as*

1 *early as practicable in the environmental review*
2 *process regarding the environmental and socio-*
3 *economic resources located within the project*
4 *area and the general locations of the alternatives*
5 *under consideration.*

6 *(B) DATA SOURCES.—The information*
7 *under subparagraph (A) may be based on exist-*
8 *ing data sources, including geographic informa-*
9 *tion systems mapping.*

10 *(3) COOPERATING AND PARTICIPATING AGENCY*
11 *RESPONSIBILITIES.—Based on information received*
12 *from the Federal lead agency, cooperating and par-*
13 *ticipating agencies shall identify, as early as prac-*
14 *ticable, any issues of concern regarding the potential*
15 *environmental or socioeconomic impacts of the*
16 *project, including any issues that could substantially*
17 *delay or prevent an agency from granting a permit*
18 *or other approval that is needed for the project study.*

19 *(4) ACCELERATED ISSUE RESOLUTION AND ELE-*
20 *VATION.—*

21 *(A) IN GENERAL.—On the request of a par-*
22 *ticipating or cooperating agency or project spon-*
23 *sor, the Secretary shall convene an issue resolu-*
24 *tion meeting with the relevant participating and*
25 *cooperating agencies and the project sponsor or*

1 *joint lead agency, as applicable, to resolve issues*
2 *that may—*

3 *(i) delay completion of the environ-*
4 *mental review process; or*

5 *(ii) result in denial of any approval*
6 *required for the project study under appli-*
7 *cable laws.*

8 *(B) MEETING DATE.—A meeting requested*
9 *under this paragraph shall be held not later than*
10 *21 days after the date on which the Secretary re-*
11 *ceives the request for the meeting, unless the Sec-*
12 *retary determines that there is good cause to ex-*
13 *tend that deadline.*

14 *(C) NOTIFICATION.—On receipt of a request*
15 *for a meeting under this paragraph, the Sec-*
16 *retary shall notify all relevant participating and*
17 *cooperating agencies of the request, including the*
18 *issue to be resolved and the date for the meeting.*

19 *(D) ELEVATION OF ISSUE RESOLUTION.—If*
20 *a resolution cannot be achieved within the 30-*
21 *day period beginning on the date of a meeting*
22 *under this paragraph and a determination is*
23 *made by the Secretary that all information nec-*
24 *essary to resolve the issue has been obtained, the*

1 *Secretary shall forward the dispute to the heads*
2 *of the relevant agencies for resolution.*

3 *(E) CONVENTION BY SECRETARY.—The Sec-*
4 *retary may convene an issue resolution meeting*
5 *under this paragraph at any time, at the discre-*
6 *tion of the Secretary, regardless of whether a*
7 *meeting is requested under subparagraph (A).*

8 *(5) FINANCIAL PENALTY PROVISIONS.—*

9 *(A) IN GENERAL.—A Federal jurisdictional*
10 *agency shall complete any required approval or*
11 *decision for the environmental review process on*
12 *an expeditious basis using the shortest existing*
13 *applicable process.*

14 *(B) FAILURE TO DECIDE.—*

15 *(i) IN GENERAL.—*

16 *(I) TRANSFER OF FUNDS.—If a*
17 *Federal jurisdictional agency fails to*
18 *render a decision required under any*
19 *Federal law relating to a project study*
20 *that requires the preparation of an en-*
21 *vironmental impact statement or envi-*
22 *ronmental assessment, including the*
23 *issuance or denial of a permit, license,*
24 *statement, opinion, or other approval*
25 *by the date described in clause (ii), the*

1 *amount of funds made available to*
2 *support the office of the head of the*
3 *Federal jurisdictional agency shall be*
4 *reduced by an amount of funding equal*
5 *to the amount specified in item (aa) or*
6 *(bb) of subclause (II), and those funds*
7 *shall be made available to the division*
8 *of the Federal jurisdictional agency*
9 *charged with rendering the decision by*
10 *not later than 1 day after the applica-*
11 *ble date under clause (ii), and once*
12 *each week thereafter until a final deci-*
13 *sion is rendered, subject to subpara-*
14 *graph (C).*

15 (II) *AMOUNT TO BE TRANS-*
16 *FERRED.—The amount referred to in*
17 *subclause (I) is—*

18 (aa) *\$20,000 for any project*
19 *study requiring the preparation of*
20 *an environmental assessment or*
21 *environmental impact statement;*
22 *or*

23 (bb) *\$10,000 for any project*
24 *study requiring any type of re-*
25 *view under the National Environ-*

1 *mental Policy Act of 1969 (42*
2 *U.S.C. 4321 et seq.) other than an*
3 *environmental assessment or envi-*
4 *ronmental impact statement.*

5 *(ii) DESCRIPTION OF DATE.—The date*
6 *referred to in clause (i) is the later of—*

7 *(I) the date that is 180 days after*
8 *the date on which an application for*
9 *the permit, license, or approval is com-*
10 *plete; and*

11 *(II) the date that is 180 days*
12 *after the date on which the Federal*
13 *lead agency issues a decision on the*
14 *project under the National Environ-*
15 *mental Policy Act of 1969 (42 U.S.C.*
16 *4321 et seq.).*

17 *(C) LIMITATIONS.—*

18 *(i) IN GENERAL.—No transfer of funds*
19 *under subparagraph (B) relating to an in-*
20 *dividual project study shall exceed, in any*
21 *fiscal year, an amount equal to 1 percent of*
22 *the funds made available for the applicable*
23 *agency office.*

24 *(ii) FAILURE TO DECIDE.—The total*
25 *amount transferred in a fiscal year as a re-*

1 *sult of a failure by an agency to make a de-*
2 *cision by an applicable deadline shall not*
3 *exceed an amount equal to 5 percent of the*
4 *funds made available for the applicable*
5 *agency office for that fiscal year.*

6 (iii) *AGGREGATE.—Notwithstanding*
7 *any other provision of law, for each fiscal*
8 *year, the aggregate amount of financial*
9 *penalties assessed against each applicable*
10 *agency office under this Act and any other*
11 *Federal law as a result of a failure of the*
12 *agency to make a decision by an applicable*
13 *deadline for environmental review, includ-*
14 *ing the total amount transferred under this*
15 *paragraph, shall not exceed an amount*
16 *equal to 9.5 percent of the funds made*
17 *available for the agency office for that fiscal*
18 *year.*

19 (D) *NOTIFICATION OF TRANSFERS.—Not*
20 *later than 10 days after the last date in a fiscal*
21 *year on which funds of the Federal jurisdictional*
22 *agency may be transferred under subparagraph*
23 *(B)(5) with respect to an individual decision, the*
24 *agency shall submit to the appropriate commit-*
25 *tees of the House of Representatives and the Sen-*

1 *ate written notification that includes a descrip-*
2 *tion of—*

3 *(i) the decision;*

4 *(ii) the project study involved;*

5 *(iii) the amount of each transfer under*
6 *subparagraph (B) in that fiscal year relat-*
7 *ing to the decision;*

8 *(iv) the total amount of all transfers*
9 *under subparagraph (B) in that fiscal year*
10 *relating to the decision; and*

11 *(v) the total amount of all transfers of*
12 *the agency under subparagraph (B) in that*
13 *fiscal year.*

14 *(E) NO FAULT OF AGENCY.—*

15 *(i) IN GENERAL.—A transfer of funds*
16 *under this paragraph shall not be made if*
17 *the applicable agency described in subpara-*
18 *graph (A) notifies, with a supporting expla-*
19 *nation, the Federal lead agency, cooperating*
20 *agencies, and project sponsor, as applicable,*
21 *that—*

22 *(I) the agency has not received*
23 *necessary information or approvals*
24 *from another entity in a manner that*
25 *affects the ability of the agency to meet*

1 any requirements under Federal, State,
2 or local law;

3 (II) significant new information,
4 including from public comments, or
5 circumstances, including a major
6 modification to an aspect of the
7 project, requires additional analysis
8 for the agency to make a decision on
9 the project application; or

10 (III) the agency lacks the finan-
11 cial resources to complete the review
12 under the scheduled timeframe, includ-
13 ing a description of the number of full-
14 time employees required to complete
15 the review, the amount of funding re-
16 quired to complete the review, and a
17 justification as to why not enough
18 funding is available to complete the re-
19 view by the deadline.

20 (ii) LACK OF FINANCIAL RE-
21 SOURCES.—If the agency provides notice
22 under clause (i)(III), the Inspector General
23 of the agency shall—

24 (I) conduct a financial audit to
25 review the notice; and

1 (ii) not later than 90 days after
2 the date on which the review described
3 in subclause (i) is completed, submit to
4 the Committee on Natural Resources of
5 the House of Representatives and the
6 Committee on Energy and Natural Re-
7 sources of the Senate the results of the
8 audit conducted under subclause (i).

9 (F) LIMITATION.—The Federal agency from
10 which funds are transferred pursuant to this
11 paragraph shall not reprogram funds to the of-
12 fice of the head of the agency, or equivalent of-
13 fice, to reimburse that office for the loss of the
14 funds.

15 (G) EFFECT OF PARAGRAPH.—Nothing in
16 this paragraph affects or limits the application
17 of, or obligation to comply with, any Federal,
18 State, local, or tribal law.

19 (j) MEMORANDUM OF AGREEMENTS FOR EARLY CO-
20 ORDINATION.—

21 (1) SENSE OF CONGRESS.—It is the sense of
22 Congress that—

23 (A) the Secretary and other Federal agen-
24 cies with relevant jurisdiction in the environ-
25 mental review process should cooperate with each

1 *other, State and local agencies, and Indian*
2 *tribes on environmental review and Bureau of*
3 *Reclamation project delivery activities at the*
4 *earliest practicable time to avoid delays and du-*
5 *plication of effort later in the process, prevent*
6 *potential conflicts, and ensure that planning and*
7 *project development decisions reflect environ-*
8 *mental values; and*

9 *(B) the cooperation referred to in subpara-*
10 *graph (A) should include the development of*
11 *policies and the designation of staff that advise*
12 *planning agencies and project sponsors of studies*
13 *or other information foreseeably required for*
14 *later Federal action and early consultation with*
15 *appropriate State and local agencies and Indian*
16 *tribes.*

17 (2) *TECHNICAL ASSISTANCE.—If requested at*
18 *any time by a State or project sponsor, the Secretary*
19 *and other Federal agencies with relevant jurisdiction*
20 *in the environmental review process, shall, to the*
21 *maximum extent practicable and appropriate, as de-*
22 *termined by the agencies, provide technical assistance*
23 *to the State or project sponsor in carrying out early*
24 *coordination activities.*

1 (3) *MEMORANDUM OF AGENCY AGREEMENT.*—If
2 *requested at any time by a State or project sponsor,*
3 *the Federal lead agency, in consultation with other*
4 *Federal agencies with relevant jurisdiction in the en-*
5 *vironmental review process, may establish memo-*
6 *randa of agreement with the project sponsor, Indian*
7 *tribes, State and local governments, and other appro-*
8 *priate entities to carry out the early coordination ac-*
9 *tivities, including providing technical assistance in*
10 *identifying potential impacts and mitigation issues*
11 *in an integrated fashion.*

12 (k) *LIMITATIONS.*—*Nothing in this section preempts or*
13 *interferes with—*

14 (1) *any obligation to comply with the provisions*
15 *of any Federal law, including—*

16 (A) *the National Environmental Policy Act*
17 *of 1969 (42 U.S.C. 4321 et seq.); and*

18 (B) *any other Federal environmental law;*

19 (2) *the reviewability of any final Federal agency*
20 *action in a court of the United States or in the court*
21 *of any State;*

22 (3) *any requirement for seeking, considering, or*
23 *responding to public comment; or*

24 (4) *any power, jurisdiction, responsibility, duty,*
25 *or authority that a Federal, State, or local govern-*

1 *mental agency, Indian tribe, or project sponsor has*
2 *with respect to carrying out a project or any other*
3 *provision of law applicable to projects.*

4 *(l) TIMING OF CLAIMS.—*

5 *(1) TIMING.—*

6 *(A) IN GENERAL.—Notwithstanding any*
7 *other provision of law, a claim arising under*
8 *Federal law seeking judicial review of a permit,*
9 *license, or other approval issued by a Federal*
10 *agency for a project study shall be barred unless*
11 *the claim is filed not later than 3 years after*
12 *publication of a notice in the Federal Register*
13 *announcing that the permit, license, or other ap-*
14 *proval is final pursuant to the law under which*
15 *the agency action is taken, unless a shorter time*
16 *is specified in the Federal law that allows judi-*
17 *cial review.*

18 *(B) APPLICABILITY.—Nothing in this sub-*
19 *section creates a right to judicial review or*
20 *places any limit on filing a claim that a person*
21 *has violated the terms of a permit, license, or*
22 *other approval.*

23 *(2) NEW INFORMATION.—*

24 *(A) IN GENERAL.—The Secretary shall con-*
25 *sider new information received after the close of*

1 *a comment period if the information satisfies the*
2 *requirements for a supplemental environmental*
3 *impact statement under title 40, Code of Federal*
4 *Regulations (including successor regulations).*

5 *(B) SEPARATE ACTION.—The preparation of*
6 *a supplemental environmental impact statement*
7 *or other environmental document, if required*
8 *under this section, shall be considered a separate*
9 *final agency action and the deadline for filing a*
10 *claim for judicial review of the action shall be 3*
11 *years after the date of publication of a notice in*
12 *the Federal Register announcing the action relat-*
13 *ing to such supplemental environmental impact*
14 *statement or other environmental document.*

15 *(m) CATEGORICAL EXCLUSIONS.—*

16 *(1) IN GENERAL.—Not later than 180 days after*
17 *the date of enactment of this Act, the Secretary*
18 *shall—*

19 *(A) survey the use by the Bureau of Rec-*
20 *lamation of categorical exclusions in projects*
21 *since 2005;*

22 *(B) publish a review of the survey that in-*
23 *cludes a description of—*

1 (i) the types of actions that were cat-
2 egorically excluded or could be the basis for
3 developing a new categorical exclusion; and

4 (ii) any requests previously received by
5 the Secretary for new categorical exclusions;
6 and

7 (C) solicit requests from other Federal agen-
8 cies and project sponsors for new categorical ex-
9 clusions.

10 (2) *NEW CATEGORICAL EXCLUSIONS.*—Not later
11 than 1 year after the date of enactment of this Act,
12 if the Secretary has identified a category of activities
13 that merit establishing a categorical exclusion that
14 did not exist on the day before the date of enactment
15 this Act based on the review under paragraph (1), the
16 Secretary shall publish a notice of proposed rule-
17 making to propose that new categorical exclusion, to
18 the extent that the categorical exclusion meets the cri-
19 teria for a categorical exclusion under section 1508.4
20 of title 40, Code of Federal Regulations (or successor
21 regulation).

22 (n) *REVIEW OF PROJECT ACCELERATION REFORMS.*—

23 (1) *IN GENERAL.*—The Comptroller General of
24 the United States shall—

1 (A) assess the reforms carried out under this
2 section; and

3 (B) not later than 5 years and not later
4 than 10 years after the date of enactment of this
5 Act, submit to the Committee on Natural Re-
6 sources of the House of Representatives and the
7 Committee on Energy and Natural Resources of
8 the Senate a report that describes the results of
9 the assessment.

10 (2) CONTENTS.—The reports under paragraph
11 (1) shall include an evaluation of impacts of the re-
12 forms carried out under this section on—

13 (A) project delivery;

14 (B) compliance with environmental laws;

15 and

16 (C) the environmental impact of projects.

17 (o) PERFORMANCE MEASUREMENT.—The Secretary
18 shall establish a program to measure and report on progress
19 made toward improving and expediting the planning and
20 environmental review process.

21 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—
22 For the repair, reconstruction, or rehabilitation of a Bureau
23 of Reclamation surface water storage project that is in oper-
24 ation or under construction when damaged by an event or
25 incident that results in a declaration by the President of

1 *a major disaster or emergency pursuant to the Robert T.*
2 *Stafford Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5121 et seq.), the Secretary shall treat such repair,*
4 *reconstruction, or rehabilitation activity as a class of action*
5 *categorically excluded from the requirements relating to en-*
6 *vironmental assessments or environmental impact state-*
7 *ments under section 1508.4 of title 40, Code of Federal Reg-*
8 *ulations (or successor regulations), if the repair or recon-*
9 *struction activity is—*

10 (1) *in the same location with the same capacity,*
11 *dimensions, and design as the original Bureau of*
12 *Reclamation surface water storage project as before*
13 *the declaration described in this section; and*

14 (2) *commenced within a 2-year period beginning*
15 *on the date of a declaration described in this sub-*
16 *section.*

17 **SEC. 1106. ANNUAL REPORT TO CONGRESS.**

18 (a) *IN GENERAL.*—*Not later than February 1 of each*
19 *year, the Secretary shall develop and submit to the Com-*
20 *mittee on Natural Resources of the House of Representatives*
21 *and the Committee on Energy and Natural Resources of*
22 *the Senate an annual report, to be entitled “Report to Con-*
23 *gress on Future Water Project Development”, that identifies*
24 *the following:*

1 (1) *PROJECT REPORTS.*—Each project report
2 that meets the criteria established in subsection
3 (c)(1)(A).

4 (2) *PROPOSED PROJECT STUDIES.*—Any pro-
5 posed project study submitted to the Secretary by a
6 non-Federal interest pursuant to subsection (b) that
7 meets the criteria established in subsection (c)(1)(A).

8 (3) *PROPOSED MODIFICATIONS.*—Any proposed
9 modification to an authorized water project or project
10 study that meets the criteria established in subsection
11 (c)(1)(A) that—

12 (A) is submitted to the Secretary by a non-
13 Federal interest pursuant to subsection (b); or

14 (B) is identified by the Secretary for au-
15 thorization.

16 (4) *EXPEDITED COMPLETION OF REPORT AND*
17 *DETERMINATIONS.*—Any project study that was expe-
18 dited and any Secretarial determinations under sec-
19 tion 1104.

20 (b) *REQUESTS FOR PROPOSALS.*—

21 (1) *PUBLICATION.*—Not later than May 1 of each
22 year, the Secretary shall publish in the Federal Reg-
23 ister a notice requesting proposals from non-Federal
24 interests for proposed project studies and proposed

1 *modifications to authorized projects and project stud-*
2 *ies to be included in the annual report.*

3 (2) *DEADLINE FOR REQUESTS.—The Secretary*
4 *shall include in each notice required by this sub-*
5 *section a requirement that non-Federal interests sub-*
6 *mit to the Secretary any proposals described in para-*
7 *graph (1) by not later than 120 days after the date*
8 *of publication of the notice in the Federal Register in*
9 *order for the proposals to be considered for inclusion*
10 *in the annual report.*

11 (3) *NOTIFICATION.—On the date of publication*
12 *of each notice required by this subsection, the Sec-*
13 *retary shall—*

14 (A) *make the notice publicly available, in-*
15 *cluding on the Internet; and*

16 (B) *provide written notification of the pub-*
17 *lication to the Committee on Natural Resources*
18 *of the House of Representatives and the Com-*
19 *mittee on Energy and Natural Resources of the*
20 *Senate.*

21 (c) *CONTENTS.—*

22 (1) *PROJECT REPORTS, PROPOSED PROJECT*
23 *STUDIES, AND PROPOSED MODIFICATIONS.—*

24 (A) *CRITERIA FOR INCLUSION IN REPORT.—*

25 *The Secretary shall include in the annual report*

1 *only those project reports, proposed project stud-*
2 *ies, and proposed modifications to authorized*
3 *projects and project studies that—*

4 *(i) are related to the missions and au-*
5 *thorities of the Bureau of Reclamation;*

6 *(ii) require specific congressional au-*
7 *thorization, including by an Act of Con-*
8 *gress;*

9 *(iii) have not been congressionally au-*
10 *thorized;*

11 *(iv) have not been included in any pre-*
12 *vious annual report; and*

13 *(v) if authorized, could be carried out*
14 *by the Bureau of Reclamation.*

15 *(B) DESCRIPTION OF BENEFITS.—*

16 *(i) DESCRIPTION.—The Secretary shall*
17 *describe in the annual report, to the extent*
18 *applicable and practicable, for each pro-*
19 *posed project study and proposed modifica-*
20 *tion to an authorized water resources devel-*
21 *opment project or project study included in*
22 *the annual report, the benefits, as described*
23 *in clause (ii), of each such study or pro-*
24 *posed modification.*

1 (ii) *BENEFITS.*—*The benefits (or ex-*
2 *pected benefits, in the case of a proposed*
3 *project study) described in this clause are*
4 *benefits to—*

5 (I) *the protection of human life*
6 *and property;*

7 (II) *improvement to domestic irri-*
8 *gated water and power supplies;*

9 (III) *the national economy;*

10 (IV) *the environment; or*

11 (V) *the national security interests*
12 *of the United States.*

13 (C) *IDENTIFICATION OF OTHER FACTORS.*—
14 *The Secretary shall identify in the annual re-*
15 *port, to the extent practicable—*

16 (i) *for each proposed project study in-*
17 *cluded in the annual report, the non-Fed-*
18 *eral interest that submitted the proposed*
19 *project study pursuant to subsection (b);*
20 *and*

21 (ii) *for each proposed project study*
22 *and proposed modification to a project or*
23 *project study included in the annual report,*
24 *whether the non-Federal interest has dem-*
25 *onstrated—*

1 (I) that local support exists for
2 the proposed project study or proposed
3 modification to an authorized project
4 or project study (including the surface
5 water storage development project that
6 is the subject of the proposed feasibility
7 study or the proposed modification to
8 an authorized project study); and

9 (II) the financial ability to pro-
10 vide the required non-Federal cost
11 share.

12 (2) *TRANSPARENCY.*—The Secretary shall in-
13 clude in the annual report, for each project report,
14 proposed project study, and proposed modification to
15 a project or project study included under paragraph
16 (1)(A)—

17 (A) the name of the associated non-Federal
18 interest, including the name of any non-Federal
19 interest that has contributed, or is expected to
20 contribute, a non-Federal share of the cost of—

21 (i) the project report;

22 (ii) the proposed project study;

23 (iii) the authorized project study for
24 which the modification is proposed; or

25 (iv) construction of—

1 (I) the project that is the subject
2 of—

3 (aa) the water report;

4 (bb) the proposed project
5 study; or

6 (cc) the authorized project
7 study for which a modification is
8 proposed; or

9 (II) the proposed modification to
10 a project;

11 (B) a letter or statement of support for the
12 water report, proposed project study, or proposed
13 modification to a project or project study from
14 each associated non-Federal interest;

15 (C) the purpose of the feasibility report,
16 proposed feasibility study, or proposed modifica-
17 tion to a project or project study;

18 (D) an estimate, to the extent practicable, of
19 the Federal, non-Federal, and total costs of—

20 (i) the proposed modification to an au-
21 thorized project study; and

22 (ii) construction of—

23 (I) the project that is the subject
24 of—

25 (aa) the project report; or

1 (bb) the authorized project
2 study for which a modification is
3 proposed, with respect to the
4 change in costs resulting from
5 such modification; or

6 (II) the proposed modification to
7 an authorized project; and

8 (E) an estimate, to the extent practicable, of
9 the monetary and nonmonetary benefits of—

10 (i) the project that is the subject of—

11 (I) the project report; or

12 (II) the authorized project study
13 for which a modification is proposed,
14 with respect to the benefits of such
15 modification; or

16 (ii) the proposed modification to an
17 authorized project.

18 (3) CERTIFICATION.—The Secretary shall include
19 in the annual report a certification stating that each
20 feasibility report, proposed feasibility study, and pro-
21 posed modification to a project or project study in-
22 cluded in the annual report meets the criteria estab-
23 lished in paragraph (1)(A).

24 (4) APPENDIX.—The Secretary shall include in
25 the annual report an appendix listing the proposals

1 *submitted under subsection (b) that were not included*
2 *in the annual report under paragraph (1)(A) and a*
3 *description of why the Secretary determined that*
4 *those proposals did not meet the criteria for inclusion*
5 *under such paragraph.*

6 *(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—*
7 *Notwithstanding any other deadlines required by this sec-*
8 *tion, the Secretary shall—*

9 *(1) not later than 60 days after the date of en-*
10 *actment of this Act, publish in the Federal Register*
11 *a notice required by subsection (b)(1); and*

12 *(2) include in such notice a requirement that*
13 *non-Federal interests submit to the Secretary any*
14 *proposals described in subsection (b)(1) by not later*
15 *than 120 days after the date of publication of such*
16 *notice in the Federal Register in order for such pro-*
17 *posals to be considered for inclusion in the first an-*
18 *nuual report developed by the Secretary under this sec-*
19 *tion.*

20 *(e) PUBLICATION.—Upon submission of an annual re-*
21 *port to Congress, the Secretary shall make the annual report*
22 *publicly available, including through publication on the*
23 *Internet.*

24 *(f) DEFINITION.—In this section, the term “project re-*
25 *port” means a final feasibility report developed under the*

1 *Reclamation Act of 1902 (32 Stat. 388), and all Acts*
 2 *amendatory thereof or supplementary thereto.*

3 ***Subtitle I—Accelerated Revenue,***
 4 ***Repayment, and Surface Water***
 5 ***Storage Enhancement***

6 ***SEC. 1111. SHORT TITLE.***

7 *This subtitle may be cited as the “Accelerated Revenue,*
 8 *Repayment, and Surface Water Storage Enhancement Act”.*

9 ***SEC. 1112. PREPAYMENT OF CERTAIN REPAYMENT CON-***
 10 ***TRACTS BETWEEN THE UNITED STATES AND***
 11 ***CONTRACTORS OF FEDERALLY DEVELOPED***
 12 ***WATER SUPPLIES.***

13 *(a) CONVERSION AND PREPAYMENT OF CONTRACTS.—*

14 *(1) CONVERSION.—Upon request of the con-*
 15 *tractor, the Secretary of the Interior shall convert any*
 16 *water service contract in effect on the date of enact-*
 17 *ment of this Act and between the United States and*
 18 *a water users’ association to allow for prepayment of*
 19 *the repayment contract pursuant to paragraph (2)*
 20 *under mutually agreeable terms and conditions. The*
 21 *manner of conversion under this paragraph shall be*
 22 *as follows:*

23 *(A) Water service contracts that were en-*
 24 *tered into under section 9(e) of the Act of August*
 25 *4, 1939 (53 Stat. 1196), to be converted under*

1 *this section shall be converted to repayment con-*
2 *tracts under section 9(d) of that Act (53 Stat.*
3 *1195).*

4 *(B) Water service contracts that were en-*
5 *tered under subsection (c)(2) of section 9 of the*
6 *Act of August 4, 1939 (53 Stat. 1194), to be con-*
7 *verted under this section shall be converted to a*
8 *contract under subsection (c)(1) of section 9 of*
9 *that Act (53 Stat. 1195).*

10 (2) *PREPAYMENT.—Except for those repayment*
11 *contracts under which the contractor has previously*
12 *negotiated for prepayment, all repayment contracts*
13 *under section 9(d) of that Act (53 Stat. 1195) in ef-*
14 *fect on the date of enactment of this Act at the request*
15 *of the contractor, and all contracts converted pursu-*
16 *ant to paragraph (1)(A) shall—*

17 *(A) provide for the repayment, either in*
18 *lump sum or by accelerated prepayment, of the*
19 *remaining construction costs identified in water*
20 *project specific irrigation rate repayment sched-*
21 *ules, as adjusted to reflect payment not reflected*
22 *in such schedule, and properly assignable for ul-*
23 *timite return by the contractor, or if made in*
24 *approximately equal installments, no later than*
25 *3 years after the effective date of the repayment*

1 *contract, such amount to be discounted by 1/2 the*
2 *Treasury rate. An estimate of the remaining con-*
3 *struction costs, as adjusted, shall be provided by*
4 *the Secretary to the contractor no later than 90*
5 *days following receipt of request of the con-*
6 *tractor;*

7 *(B) require that construction costs or other*
8 *capitalized costs incurred after the effective date*
9 *of the contract or not reflected in the rate sched-*
10 *ule referenced in subparagraph (A), and prop-*
11 *erly assignable to such contractor shall be repaid*
12 *in not more than 5 years after notification of the*
13 *allocation if such amount is a result of a collec-*
14 *tive annual allocation of capital costs to the con-*
15 *tractors exercising contract conversation under*
16 *this subsection of less than \$5,000,000. If such*
17 *amount is \$5,000,000 or greater, such cost shall*
18 *be repaid as provided by applicable reclamation*
19 *law;*

20 *(C) provide that power revenues will not be*
21 *available to aid in repayment of construction*
22 *costs allocated to irrigation under the contract;*
23 *and*

24 *(D) continue so long as the contractor pays*
25 *applicable charges, consistent with section 9(d) of*

1 *the Act of August 4, 1939 (53 Stat. 1195), and*
2 *applicable law.*

3 (3) *CONTRACT REQUIREMENTS.—Except for those*
4 *repayment contracts under which the contractor has*
5 *previously negotiated for prepayment, the following*
6 *shall apply with regard to all repayment contracts*
7 *under subsection (c)(1) of section 9 of that Act (53*
8 *Stat. 1195) in effect on the date of enactment of this*
9 *Act at the request of the contractor, and all contracts*
10 *converted pursuant to paragraph (1)(B):*

11 (A) *Provide for the repayment in lump sum*
12 *of the remaining construction costs identified in*
13 *water project specific municipal and industrial*
14 *rate repayment schedules, as adjusted to reflect*
15 *payments not reflected in such schedule, and*
16 *properly assignable for ultimate return by the*
17 *contractor. An estimate of the remaining con-*
18 *struction costs, as adjusted, shall be provided by*
19 *the Secretary to the contractor no later than 90*
20 *days after receipt of request of contractor.*

21 (B) *The contract shall require that construc-*
22 *tion costs or other capitalized costs incurred*
23 *after the effective date of the contract or not re-*
24 *flected in the rate schedule referenced in subpara-*
25 *graph (A), and properly assignable to such con-*

1 *tractor, shall be repaid in not more than 5 years*
2 *after notification of the allocation if such*
3 *amount is a result of a collective annual alloca-*
4 *tion of capital costs to the contractors exercising*
5 *contract conversation under this subsection of*
6 *less than \$5,000,000. If such amount is*
7 *\$5,000,000 or greater, such cost shall be repaid*
8 *as provided by applicable reclamation law.*

9 *(C) Continue so long as the contractor pays*
10 *applicable charges, consistent with section*
11 *9(c)(1) of the Act of August 4, 1939 (53 Stat.*
12 *1195), and applicable law.*

13 *(4) CONDITIONS.—All contracts entered into pur-*
14 *suant to paragraphs (1), (2), and (3) shall—*

15 *(A) not be adjusted on the basis of the type*
16 *of prepayment financing used by the water users’*
17 *association;*

18 *(B) conform to any other agreements, such*
19 *as applicable settlement agreements and new*
20 *constructed appurtenant facilities; and*

21 *(C) not modify other water service, repay-*
22 *ment, exchange and transfer contractual rights*
23 *between the water users’ association, and the Bu-*
24 *reau of Reclamation, or any rights, obligations,*
25 *or relationships of the water users’ association*

1 *and their landowners as provided under State*
2 *law.*

3 **(b) ACCOUNTING.**—*The amounts paid pursuant to sub-*
4 *section (a) shall be subject to adjustment following a final*
5 *cost allocation by the Secretary of the Interior. In the event*
6 *that the final cost allocation indicates that the costs prop-*
7 *erly assignable to the contractor are greater than what has*
8 *been paid by the contractor, the contractor shall be obligated*
9 *to pay the remaining allocated costs. The term of such addi-*
10 *tional repayment contract shall be not less than one year*
11 *and not more than 10 years, however, mutually agreeable*
12 *provisions regarding the rate of repayment of such amount*
13 *may be developed by the parties. In the event that the final*
14 *cost allocation indicates that the costs properly assignable*
15 *to the contractor are less than what the contractor has paid,*
16 *the Secretary shall credit such overpayment as an offset*
17 *against any outstanding or future obligation of the con-*
18 *tractor.*

19 **(c) APPLICABILITY OF CERTAIN PROVISIONS.**—

20 **(1) EFFECT OF EXISTING LAW.**—*Upon a contrac-*
21 *tor's compliance with and discharge of the obligation*
22 *of repayment of the construction costs pursuant to a*
23 *contract entered into pursuant to subsection*
24 *(a)(2)(A), subsections (a) and (b) of section 213 of the*

1 *Reclamation Reform Act of 1982 (96 Stat. 1269) shall*
2 *apply to affected lands.*

3 (2) *EFFECT OF OTHER OBLIGATIONS.—The obli-*
4 *gation of a contractor to repay construction costs or*
5 *other capitalized costs described in subsection*
6 *(a)(2)(B), (a)(3)(B), or (b) shall not affect a contrac-*
7 *tor’s status as having repaid all of the construction*
8 *costs assignable to the contractor or the applicability*
9 *of subsections (a) and (b) of section 213 of the Rec-*
10 *lamation Reform Act of 1982 (96 Stat. 1269) once the*
11 *amount required to be paid by the contractor under*
12 *the repayment contract entered into pursuant to sub-*
13 *section (a)(2)(A) have been paid.*

14 (d) *EFFECT ON EXISTING LAW NOT ALTERED.—Im-*
15 *plementation of the provisions of this subtitle shall not*
16 *alter—*

17 (1) *the repayment obligation of any water serv-*
18 *ice or repayment contractor receiving water from the*
19 *same water project, or shift any costs that would oth-*
20 *erwise have been properly assignable to the water*
21 *users’ association identified in subsections (a)(1),*
22 *(a)(2), and (a)(3) absent this section, including oper-*
23 *ation and maintenance costs, construction costs, or*
24 *other capitalized costs incurred after the date of the*
25 *enactment of this Act, or to other contractors; and*

1 (2) *specific requirements for the disposition of*
2 *amounts received as repayments by the Secretary*
3 *under the Act of June 17, 1902 (32 Stat. 388, chapter*
4 *1093), and Acts supplemental to and amendatory of*
5 *that Act (43 U.S.C. 371 et seq.).*

6 (e) *SURFACE WATER STORAGE ENHANCEMENT PRO-*
7 *GRAM.—*

8 (1) *IN GENERAL.—Except as provided in sub-*
9 *section (d)(2), three years following the date of enact-*
10 *ment of this Act, 50 percent of receipts generated from*
11 *prepayment of contracts under this section beyond*
12 *amounts necessary to cover the amount of receipts for-*
13 *gone from scheduled payments under current law for*
14 *the 10-year period following the date of enactment of*
15 *this Act shall be directed to the Reclamation Surface*
16 *Water Storage Account under paragraph (2).*

17 (2) *SURFACE STORAGE ACCOUNT.—The Sec-*
18 *retary shall allocate amounts collected under para-*
19 *graph (1) into the “Reclamation Surface Storage Ac-*
20 *count” to fund the construction of surface water stor-*
21 *age. The Secretary may also enter into cooperative*
22 *agreements with water users’ associations for the con-*
23 *struction of surface water storage and amounts with-*
24 *in the Surface Storage Account may be used to fund*
25 *such construction. Surface water storage projects that*

1 *are otherwise not federally authorized shall not be*
2 *considered Federal facilities as a result of any*
3 *amounts allocated from the Surface Storage Account*
4 *for part or all of such facilities.*

5 (3) *REPAYMENT.*—*Amounts used for surface*
6 *water storage construction from the Account shall be*
7 *fully reimbursed to the Account consistent with the re-*
8 *quirements under Federal reclamation law (the law*
9 *(the Act of June 17, 1902 (32 Stat. 388, chapter*
10 *1093))), and Acts supplemental to and amendatory of*
11 *that Act (43 U.S.C. 371 et seq.) except that all funds*
12 *reimbursed shall be deposited in the Account estab-*
13 *lished under paragraph (2).*

14 (4) *AVAILABILITY OF AMOUNTS.*—*Amounts de-*
15 *posited in the Account under this subsection shall—*

16 (A) *be made available in accordance with*
17 *this section, subject to appropriation; and*

18 (B) *be in addition to amounts appropriated*
19 *for such purposes under any other provision of*
20 *law.*

21 (5) *PURPOSES OF SURFACE WATER STORAGE.*—
22 *Construction of surface water storage under this sec-*
23 *tion shall be made for the following purposes:*

24 (A) *Increased municipal and industrial*
25 *water supply.*

1 (B) *Agricultural floodwater, erosion, and*
2 *sedimentation reduction.*

3 (C) *Agricultural drainage improvements.*

4 (D) *Agricultural irrigation.*

5 (E) *Increased recreation opportunities.*

6 (F) *Reduced adverse impacts to fish and*
7 *wildlife from water storage or diversion projects*
8 *within watersheds associated with water storage*
9 *projects funded under this section.*

10 (G) *Any other purposes consistent with rec-*
11 *lamation laws or other Federal law.*

12 (f) *DEFINITIONS.—For the purposes of this subtitle, the*
13 *following definitions apply:*

14 (1) *ACCOUNT.—The term “Account” means the*
15 *Reclamation Surface Water Storage Account estab-*
16 *lished under subsection (e)(2).*

17 (2) *CONSTRUCTION.—The term “construction”*
18 *means the designing, materials engineering and test-*
19 *ing, surveying, and building of surface water storage*
20 *including additions to existing surface water storage*
21 *and construction of new surface water storage facili-*
22 *ties, exclusive of any Federal statutory or regulatory*
23 *obligations relating to any permit, review, approval,*
24 *or other such requirement.*

1 (3) *SURFACE WATER STORAGE.*—*The term “sur-*
2 *face water storage” means any federally owned facil-*
3 *ity under the jurisdiction of the Bureau of Reclama-*
4 *tion or any non-Federal facility used for the surface*
5 *storage and supply of water resources.*

6 (4) *TREASURY RATE.*—*The term “Treasury rate”*
7 *means the 20-year Constant Maturity Treasury*
8 *(CMT) rate published by the United States Depart-*
9 *ment of the Treasury existing on the effective date of*
10 *the contract.*

11 (5) *WATER USERS’ ASSOCIATION.*—*The term*
12 *“water users’ association” means—*

13 (A) *an entity organized and recognized*
14 *under State laws that is eligible to enter into*
15 *contracts with reclamation to receive contract*
16 *water for delivery to and users of the water and*
17 *to pay applicable charges; and*

18 (B) *includes a variety of entities with dif-*
19 *ferent names and differing functions, such as as-*
20 *sociations, conservatory district, irrigation dis-*
21 *trict, municipality, and water project contract*
22 *unit.*

1 **Subtitle J—Safety of Dams**

2 **SEC. 1121. AUTHORIZATION OF ADDITIONAL PROJECT BEN-**
3 **EFITS.**

4 *The Reclamation Safety of Dams Act of 1978 is*
5 *amended—*

6 (1) *in section 3, by striking “Construction” and*
7 *inserting “Except as provided in section 5B, con-*
8 *struction”;* and

9 (2) *by inserting after section 5A (43 U.S.C. 509)*
10 *the following:*

11 **“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENE-**
12 **FITS.**

13 *“Notwithstanding section 3, if the Secretary deter-*
14 *mines that additional project benefits, including but not*
15 *limited to additional conservation storage capacity, are fea-*
16 *sible and not inconsistent with the purposes of this Act, the*
17 *Secretary is authorized to develop additional project bene-*
18 *fits through the construction of new or supplementary works*
19 *on a project in conjunction with the Secretary’s activities*
20 *under section 2 of this Act and subject to the conditions*
21 *described in the feasibility study, provided—*

22 (1) *the Secretary determines that developing*
23 *additional project benefits through the construction of*
24 *new or supplementary works on a project will pro-*

1 *mote more efficient management of water and water-*
 2 *related facilities;*

3 *“(2) the feasibility study pertaining to addi-*
 4 *tional project benefits has been authorized pursuant to*
 5 *section 8 of the Federal Water Project Recreation Act*
 6 *of 1965 (16 U.S.C. 4601–18); and*

7 *“(3) the costs associated with developing the ad-*
 8 *ditional project benefits are agreed to in writing be-*
 9 *tween the Secretary and project proponents and shall*
 10 *be allocated to the authorized purposes of the structure*
 11 *and repaid consistent with all provisions of Federal*
 12 *Reclamation law (the Act of June 17, 1902, 43 U.S.C.*
 13 *371 et seq.) and Acts supplemental to and amend-*
 14 *atory of that Act.”.*

15 ***Subtitle K—Water Rights Protection***

16 ***SEC. 1131. SHORT TITLE.***

17 *This subtitle may be cited as the “Water Rights Protec-*
 18 *tion Act”.*

19 ***SEC. 1132. DEFINITION OF WATER RIGHT.***

20 *In this subtitle, the term “water right” means any sur-*
 21 *face or groundwater right filed, permitted, certified, con-*
 22 *firmed, decreed, adjudicated, or otherwise recognized by a*
 23 *judicial proceeding or by the State in which the user ac-*
 24 *quires possession of the water or puts the water to beneficial*

1 *use, including water rights for federally recognized Indian*
2 *tribes.*

3 **SEC. 1133. TREATMENT OF WATER RIGHTS.**

4 *The Secretary of the Interior and the Secretary of Ag-*
5 *riculture shall not—*

6 *(1) condition or withhold, in whole or in part,*
7 *the issuance, renewal, amendment, or extension of*
8 *any permit, approval, license, lease, allotment, ease-*
9 *ment, right-of-way, or other land use or occupancy*
10 *agreement on—*

11 *(A) limitation or encumbrance of any water*
12 *right, or the transfer of any water right (includ-*
13 *ing joint and sole ownership), directly or indi-*
14 *rectly to the United States or any other designee;*
15 *or*

16 *(B) any other impairment of any water*
17 *right, in whole or in part, granted or otherwise*
18 *recognized under State law, by Federal or State*
19 *adjudication, decree, or other judgment, or pur-*
20 *suant to any interstate water compact;*

21 *(2) require any water user (including any feder-*
22 *ally recognized Indian tribe) to apply for or acquire*
23 *a water right in the name of the United States under*
24 *State law as a condition of the issuance, renewal,*
25 *amendment, or extension of any permit, approval, li-*

1 *cense, lease, allotment, easement, right-of-way, or*
2 *other land use or occupancy agreement;*

3 (3) *assert jurisdiction over groundwater with-*
4 *drawals or impacts on groundwater resources, unless*
5 *jurisdiction is asserted, and any regulatory or policy*
6 *actions taken pursuant to such assertion are, con-*
7 *sistent with, and impose no greater restrictions or*
8 *regulatory requirements than, applicable State laws*
9 *(including regulations) and policies governing the*
10 *protection and use of groundwater resources; or*

11 (4) *infringe on the rights and obligations of a*
12 *State in evaluating, allocating, and adjudicating the*
13 *waters of the State originating on or under, or flow-*
14 *ing from, land owned or managed by the Federal*
15 *Government.*

16 **SEC. 1134. RECOGNITION OF STATE AUTHORITY.**

17 (a) *IN GENERAL.*—*In carrying out section 1133, the*
18 *Secretary of the Interior and the Secretary of Agriculture*
19 *shall—*

20 (1) *recognize the longstanding authority of the*
21 *States relating to evaluating, protecting, allocating,*
22 *regulating, and adjudicating groundwater by any*
23 *means, including a rulemaking, permitting, directive,*
24 *water court adjudication, resource management plan-*
25 *ning, regional authority, or other policy; and*

1 (2) *coordinate with the States in the adoption*
2 *and implementation by the Secretary of the Interior*
3 *or the Secretary of Agriculture of any rulemaking,*
4 *policy, directive, management plan, or other similar*
5 *Federal action so as to ensure that such actions are*
6 *consistent with, and impose no greater restrictions or*
7 *regulatory requirements than, State groundwater laws*
8 *and programs.*

9 (b) *EFFECT ON STATE WATER RIGHTS.—In carrying*
10 *out this subtitle, the Secretary of the Interior and the Sec-*
11 *retary of Agriculture shall not take any action that ad-*
12 *versely affects—*

13 (1) *any water rights granted by a State;*

14 (2) *the authority of a State in adjudicating*
15 *water rights;*

16 (3) *definitions established by a State with re-*
17 *spect to the term “beneficial use”, “priority of water*
18 *rights”, or “terms of use”;*

19 (4) *terms and conditions of groundwater with-*
20 *drawal, guidance and reporting procedures, and con-*
21 *servation and source protection measures established*
22 *by a State;*

23 (5) *the use of groundwater in accordance with*
24 *State law; or*

1 (6) *any other rights and obligations of a State*
2 *established under State law.*

3 **SEC. 1135. EFFECT OF TITLE.**

4 (a) *EFFECT ON EXISTING AUTHORITY.*—*Nothing in*
5 *this subtitle limits or expands any existing legally recog-*
6 *nized authority of the Secretary of the Interior or the Sec-*
7 *retary of Agriculture to issue, grant, or condition any per-*
8 *mit, approval, license, lease, allotment, easement, right-of-*
9 *way, or other land use or occupancy agreement on Federal*
10 *land subject to the jurisdiction of the Secretary of the Inte-*
11 *rior or the Secretary of Agriculture, respectively.*

12 (b) *EFFECT ON RECLAMATION CONTRACTS.*—*Nothing*
13 *in this subtitle interferes with Bureau of Reclamation con-*
14 *tracts entered into pursuant to the reclamation laws.*

15 (c) *EFFECT ON ENDANGERED SPECIES ACT.*—*Nothing*
16 *in this subtitle affects the implementation of the Endan-*
17 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

18 (d) *EFFECT ON FEDERAL RESERVED WATER*
19 *RIGHTS.*—*Nothing in this subtitle limits or expands any*
20 *existing or claimed reserved water rights of the Federal Gov-*
21 *ernment on land administered by the Secretary of the Inte-*
22 *rior or the Secretary of Agriculture.*

23 (e) *EFFECT ON FEDERAL POWER ACT.*—*Nothing in*
24 *this subtitle limits or expands authorities under sections*

1 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C.
2 797(e), 803(j), 811).

3 (f) *EFFECT ON INDIAN WATER RIGHTS.*—Nothing in
4 this subtitle limits or expands any water right or treaty
5 right of any federally recognized Indian tribe.

6 **TITLE II—SPORTSMEN’S HERIT-**
7 **AGE AND RECREATIONAL EN-**
8 **HANCEMENT ACT**

9 **SEC. 2001. SHORT TITLE.**

10 *This title may be cited as the “Sportsmen’s Heritage*
11 *and Recreational Enhancement Act” or the “SHARE Act”.*

12 **SEC. 2002. REPORT ON ECONOMIC IMPACT.**

13 *Not later than 12 months after the date of the enact-*
14 *ment of this Act, the Secretary of Interior shall submit a*
15 *report to Congress that assesses expected economic impacts*
16 *of the Act. Such report shall include—*

17 (1) *a review of any expected increases in rec-*
18 *reational hunting, fishing, shooting, and conservation*
19 *activities;*

20 (2) *an estimate of any jobs created in each in-*
21 *dustry expected to support such activities described in*
22 *paragraph (1), including in the supply, manufac-*
23 *turing, distribution, and retail sectors;*

24 (3) *an estimate of wages related to jobs described*
25 *in paragraph (2); and*

1 (4) *an estimate of anticipated new local, State,*
2 *and Federal revenue related to jobs described in para-*
3 *graph (2).*

4 ***Subtitle A—Hunting, Fishing and***
5 ***Recreational Shooting Protec-***
6 ***tion Act***

7 ***SEC. 2011. SHORT TITLE.***

8 *This subtitle may be cited as the “Hunting, Fishing,*
9 *and Recreational Shooting Protection Act”.*

10 ***SEC. 2012. MODIFICATION OF DEFINITION.***

11 *Section 3(2)(B) of the Toxic Substances Control Act*
12 *(15 U.S.C. 2602(2)(B)) is amended—*

13 (1) *in clause (v), by striking “, and” and insert-*
14 *ing “, or any component of any such article includ-*
15 *ing, without limitation, shot, bullets and other projec-*
16 *tiles, propellants, and primers,”;*

17 (2) *in clause (vi) by striking the period at the*
18 *end and inserting “, and”;* and

19 (3) *by inserting after clause (vi) the following:*

20 “(vii) *any sport fishing equipment (as such term*
21 *is defined in subsection (a) of section 4162 of the In-*
22 *ternal Revenue Code of 1986) the sale of which is sub-*
23 *ject to the tax imposed by section 4161(a) of such*
24 *Code (determined without regard to any exemptions*
25 *from such tax as provided by section 4162 or 4221 or*

1 **SEC. 2022. FINDINGS; PURPOSE.**

2 (a) *FINDINGS.*—Congress finds that—

3 (1) *the use of firearms and archery equipment*
4 *for target practice and marksmanship training ac-*
5 *tivities on Federal land is allowed, except to the ex-*
6 *tent specific portions of that land have been closed to*
7 *those activities;*

8 (2) *in recent years preceding the date of enact-*
9 *ment of this Act, portions of Federal land have been*
10 *closed to target practice and marksmanship training*
11 *for many reasons;*

12 (3) *the availability of public target ranges on*
13 *non-Federal land has been declining for a variety of*
14 *reasons, including continued population growth and*
15 *development near former ranges;*

16 (4) *providing opportunities for target practice*
17 *and marksmanship training at public target ranges*
18 *on Federal and non-Federal land can help—*

19 (A) *to promote enjoyment of shooting, rec-*
20 *reational, and hunting activities; and*

21 (B) *to ensure safe and convenient locations*
22 *for those activities;*

23 (5) *Federal law in effect on the date of enact-*
24 *ment of this Act, including the Pittman-Robertson*
25 *Wildlife Restoration Act (16 U.S.C. 669 et seq.), pro-*
26 *vides Federal support for construction and expansion*

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) the term ‘public target range’ means a spe-
4 cific location that—

5 “(A) is identified by a governmental agency
6 for recreational shooting;

7 “(B) is open to the public;

8 “(C) may be supervised; and

9 “(D) may accommodate archery or rifle,
10 pistol, or shotgun shooting;”.

11 (b) *EXPENDITURES FOR MANAGEMENT OF WILDLIFE*
12 *AREAS AND RESOURCES.*—Section 8(b) of the Pittman-
13 *Robertson Wildlife Restoration Act (16 U.S.C. 669g(b))* is
14 *amended—*

15 (1) by striking “(b) Each State” and inserting
16 the following:

17 “(b) *EXPENDITURES FOR MANAGEMENT OF WILDLIFE*
18 *AREAS AND RESOURCES.*—

19 “(1) *IN GENERAL.*—Except as provided in para-
20 graph (2), each State”;

21 (2) in paragraph (1) (as so designated), by strik-
22 ing “construction, operation,” and inserting “oper-
23 ation”;

24 (3) in the second sentence, by striking “The non-
25 Federal share” and inserting the following:

1 “(3) *NON-FEDERAL SHARE*.—*The non-Federal*
2 *share*”;

3 (4) *in the third sentence, by striking “The Sec-*
4 *retary” and inserting the following:*

5 “(4) *REGULATIONS*.—*The Secretary*”; and

6 (5) *by inserting after paragraph (1) (as des-*
7 *ignated by paragraph (1) of this subsection) the fol-*
8 *lowing:*

9 “(2) *EXCEPTION*.—*Notwithstanding the limita-*
10 *tion described in paragraph (1), a State may pay up*
11 *to 90 percent of the cost of acquiring land for, ex-*
12 *anding, or constructing a public target range.”.*

13 (c) *FIREARM AND BOW HUNTER EDUCATION AND*
14 *SAFETY PROGRAM GRANTS*.—*Section 10 of the Pittman-*
15 *Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is*
16 *amended—*

17 (1) *in subsection (a), by adding at the end the*
18 *following:*

19 “(3) *ALLOCATION OF ADDITIONAL AMOUNTS*.—*Of*
20 *the amount apportioned to a State for any fiscal year*
21 *under section 4(b), the State may elect to allocate not*
22 *more than 10 percent, to be combined with the*
23 *amount apportioned to the State under paragraph (1)*
24 *for that fiscal year, for acquiring land for, expanding,*
25 *or constructing a public target range.”;*

1 (2) *by striking subsection (b) and inserting the*
2 *following:*

3 “(b) *COST SHARING.*—

4 “(1) *IN GENERAL.*—*Except as provided in para-*
5 *graph (2), the Federal share of the cost of any activity*
6 *carried out using a grant under this section shall not*
7 *exceed 75 percent of the total cost of the activity.*

8 “(2) *PUBLIC TARGET RANGE CONSTRUCTION OR*
9 *EXPANSION.*—*The Federal share of the cost of acquir-*
10 *ing land for, expanding, or constructing a public tar-*
11 *get range in a State on Federal or non-Federal land*
12 *pursuant to this section or section 8(b) shall not ex-*
13 *ceed 90 percent of the cost of the activity.”; and*

14 (3) *in subsection (c)(1)—*

15 (A) *by striking “Amounts made” and in-*
16 *serting the following:*

17 “(A) *IN GENERAL.*—*Except as provided in*
18 *subparagraph (B), amounts made”;* and

19 (B) *by adding at the end the following:*

20 “(B) *EXCEPTION.*—*Amounts provided for*
21 *acquiring land for, constructing, or expanding a*
22 *public target range shall remain available for ex-*
23 *penditure and obligation during the 5-fiscal-year*
24 *period beginning on October 1 of the first fiscal*

1 year for which the amounts are made avail-
2 able.”.

3 **SEC. 2025. LIMITS ON LIABILITY.**

4 (a) *DISCRETIONARY FUNCTION.*—For purposes of
5 chapter 171 of title 28, United States Code (commonly re-
6 ferred to as the “Federal Tort Claims Act”), any action by
7 an agent or employee of the United States to manage or
8 allow the use of Federal land for purposes of target practice
9 or marksmanship training by a member of the public shall
10 be considered to be the exercise or performance of a discre-
11 tionary function.

12 (b) *CIVIL ACTION OR CLAIMS.*—Except to the extent
13 provided in chapter 171 of title 28, United States Code,
14 the United States shall not be subject to any civil action
15 or claim for money damages for any injury to or loss of
16 property, personal injury, or death caused by an activity
17 occurring at a public target range that is—

18 (1) funded in whole or in part by the Federal
19 Government pursuant to the Pittman-Robertson Wild-
20 life Restoration Act (16 U.S.C. 669 *et seq.*); or

21 (2) located on Federal land.

22 **SEC. 2026. SENSE OF CONGRESS REGARDING COOPERA-**
23 **TION.**

24 It is the sense of Congress that, consistent with appli-
25 cable laws and regulations, the Chief of the Forest Service

1 *and the Director of the Bureau of Land Management should*
 2 *cooperate with State and local authorities and other entities*
 3 *to carry out waste removal and other activities on any Fed-*
 4 *eral land used as a public target range to encourage contin-*
 5 *ued use of that land for target practice or marksmanship*
 6 *training.*

7 ***Subtitle C—Polar Bear***
 8 ***Conservation and Fairness Act***

9 ***SEC. 2031. SHORT TITLE.***

10 *This subtitle may be cited as the “Polar Bear Con-*
 11 *servation and Fairness Act”.*

12 ***SEC. 2032. PERMITS FOR IMPORTATION OF POLAR BEAR***
 13 ***TROPHIES TAKEN IN SPORT HUNTS IN CAN-***
 14 ***ADA.***

15 *Section 104(c)(5)(D) of the Marine Mammal Protec-*
 16 *tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to*
 17 *read as follows:*

18 *“(D)(i) The Secretary of the Interior shall, expe-*
 19 *ditiously after the expiration of the applicable 30-day*
 20 *period under subsection (d)(2), issue a permit for the*
 21 *importation of any polar bear part (other than an in-*
 22 *ternal organ) from a polar bear taken in a sport hunt*
 23 *in Canada to any person—*

1 “(I) who submits, with the permit applica-
2 tion, proof that the polar bear was legally har-
3 vested by the person before February 18, 1997; or

4 “(II) who has submitted, in support of a
5 permit application submitted before May 15,
6 2008, proof that the polar bear was legally har-
7 vested by the person before May 15, 2008, from
8 a polar bear population from which a sport-
9 hunted trophy could be imported before that date
10 in accordance with section 18.30(i) of title 50,
11 Code of Federal Regulations.

12 “(ii) The Secretary shall issue permits under
13 clause (i)(I) without regard to subparagraphs (A) and
14 (C)(ii) of this paragraph, subsection (d)(3), and sec-
15 tions 101 and 102. Sections 101(a)(3)(B) and
16 102(b)(3) shall not apply to the importation of any
17 polar bear part authorized by a permit issued under
18 clause (i)(I). This clause shall not apply to polar bear
19 parts that were imported before June 12, 1997.

20 “(iii) The Secretary shall issue permits under
21 clause (i)(II) without regard to subparagraph (C)(ii)
22 of this paragraph or subsection (d)(3). Sections
23 101(a)(3)(B) and 102(b)(3) shall not apply to the im-
24 portation of any polar bear part authorized by a per-
25 mit issued under clause (i)(II). This clause shall not

1 *apply to polar bear parts that were imported before*
2 *the date of enactment of the Polar Bear Conservation*
3 *and Fairness Act.”.*

4 ***Subtitle D—Recreational Lands***
5 ***Self-Defense Act***

6 **SEC. 2041. SHORT TITLE.**

7 *This subtitle may be cited as the “Recreational Lands*
8 *Self-Defense Act”.*

9 **SEC. 2042. PROTECTING AMERICANS FROM VIOLENT CRIME.**

10 *(a) FINDINGS.—Congress finds the following:*

11 *(1) The Second Amendment to the Constitution*
12 *provides that “the right of the people to keep and bear*
13 *Arms, shall not be infringed”.*

14 *(2) Section 327.13 of title 36, Code of Federal*
15 *Regulations, provides that, except in special cir-*
16 *cumstances, “possession of loaded firearms, ammuni-*
17 *tion, loaded projectile firing devices, bows and arrows,*
18 *crossbows, or other weapons is prohibited” at water*
19 *resources development projects administered by the*
20 *Secretary of the Army.*

21 *(3) The regulations described in paragraph (2)*
22 *prevent individuals complying with Federal and*
23 *State laws from exercising the second amendment*
24 *rights of the individuals while at such water resources*
25 *development projects.*

1 (4) *The Federal laws should make it clear that*
 2 *the second amendment rights of an individual at a*
 3 *water resources development project should not be in-*
 4 *fringed.*

5 (b) *PROTECTING THE RIGHT OF INDIVIDUALS TO*
 6 *BEAR ARMS AT WATER RESOURCES DEVELOPMENT*
 7 *PROJECTS.—The Secretary of the Army shall not promul-*
 8 *gate or enforce any regulation that prohibits an individual*
 9 *from possessing a firearm, including an assembled or func-*
 10 *tional firearm, at a water resources development project*
 11 *covered under section 327.0 of title 36, Code of Federal Reg-*
 12 *ulations (as in effect on the date of enactment of this Act),*
 13 *if—*

14 (1) *the individual is not otherwise prohibited by*
 15 *law from possessing the firearm; and*

16 (2) *the possession of the firearm is in compliance*
 17 *with the law of the State in which the water resources*
 18 *development project is located.*

19 ***Subtitle E—Wildlife and Hunting***
 20 ***Heritage Conservation Council***
 21 ***Advisory Committee***

22 ***SEC. 2051. WILDLIFE AND HUNTING HERITAGE CONSERVA-***
 23 ***TION COUNCIL ADVISORY COMMITTEE.***

24 *The Fish and Wildlife Coordination Act (16 U.S.C.*
 25 *661 et seq.) is amended by adding at the end the following:*

1 **“SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVA-**
2 **TION COUNCIL ADVISORY COMMITTEE.**

3 “(a) *ESTABLISHMENT.*—*There is hereby established the*
4 *Wildlife and Hunting Heritage Conservation Council Advi-*
5 *sory Committee (in this section referred to as the ‘Advisory*
6 *Committee’) to advise the Secretaries of the Interior and*
7 *Agriculture on wildlife and habitat conservation, hunting,*
8 *and recreational shooting.*

9 “(b) *CONTINUANCE AND ABOLISHMENT OF EXISTING*
10 *WILDLIFE AND HUNTING HERITAGE CONSERVATION COUN-*
11 *CIL.*—*The Wildlife and Hunting Heritage Conservation*
12 *Council established pursuant to section 441 of the Revised*
13 *Statutes (43 U.S.C. 1457), section 2 of the Fish and Wildlife*
14 *Act of 1956 (16 U.S.C. 742a), and other Acts applicable*
15 *to specific bureaus of the Department of the Interior—*

16 “(1) *shall continue until the date of the first*
17 *meeting of the Wildlife and Hunting Heritage Con-*
18 *servation Council established by the amendment made*
19 *by subsection (a); and*

20 “(2) *is hereby abolished effective on that date.*

21 “(c) *DUTIES OF THE ADVISORY COMMITTEE.*—*The Ad-*
22 *visory Committee shall advise the Secretaries with regard*
23 *to—*

24 “(1) *implementation of Executive Order No.*
25 *13443: Facilitation of Hunting Heritage and Wildlife*
26 *Conservation, which directs Federal agencies ‘to fa-*

1 *ilitate the expansion and enhancement of hunting*
2 *opportunities and the management of game species*
3 *and their habitat’;*

4 “(2) *policies or programs to conserve and restore*
5 *wetlands, agricultural lands, grasslands, forest, and*
6 *rangeland habitats;*

7 “(3) *policies or programs to promote opportuni-*
8 *ties and access to hunting and shooting sports on*
9 *Federal lands;*

10 “(4) *policies or programs to recruit and retain*
11 *new hunters and shooters;*

12 “(5) *policies or programs that increase public*
13 *awareness of the importance of wildlife conservation*
14 *and the social and economic benefits of recreational*
15 *hunting and shooting; and*

16 “(6) *policies or programs that encourage coordi-*
17 *nation among the public, the hunting and shooting*
18 *sports community, wildlife conservation groups, and*
19 *States, tribes, and the Federal Government.*

20 “(d) *MEMBERSHIP.—*

21 “(1) *APPOINTMENT.—*

22 “(A) *IN GENERAL.—The Advisory Com-*
23 *mittee shall consist of no more than 16 discre-*
24 *tionary members and 8 ex officio members.*

1 “(B) *EX OFFICIO MEMBERS*.—*The ex officio*
2 *members are—*

3 “(i) *the Director of the United States*
4 *Fish and Wildlife Service or a designated*
5 *representative of the Director;*

6 “(ii) *the Director of the Bureau of*
7 *Land Management or a designated rep-*
8 *resentative of the Director;*

9 “(iii) *the Director of the National Park*
10 *Service or a designated representative of the*
11 *Director;*

12 “(iv) *the Chief of the Forest Service or*
13 *a designated representative of the Chief;*

14 “(v) *the Chief of the Natural Resources*
15 *Conservation Service or a designated rep-*
16 *resentative of the Chief;*

17 “(vi) *the Administrator of the Farm*
18 *Service Agency or a designated representa-*
19 *tive of the Administrator;*

20 “(vii) *the Executive Director of the As-*
21 *sociation of Fish and Wildlife Agencies; and*

22 “(viii) *the Administrator of the Small*
23 *Business Administration or designated rep-*
24 *resentative.*

1 “(C) *DISCRETIONARY MEMBERS.*—*The dis-*
2 *cretionary members shall be appointed jointly by*
3 *the Secretaries from at least one of each of the*
4 *following:*

5 “(i) *State fish and wildlife agencies.*

6 “(ii) *Game bird hunting organizations.*

7 “(iii) *Wildlife conservation organiza-*
8 *tions.*

9 “(iv) *Big game hunting organizations.*

10 “(v) *Waterfowl hunting organizations.*

11 “(vi) *The tourism, outfitter, or guiding*
12 *industry.*

13 “(vii) *The firearms or ammunition*
14 *manufacturing industry.*

15 “(viii) *The hunting or shooting equip-*
16 *ment retail industry.*

17 “(ix) *Tribal resource management or-*
18 *ganizations.*

19 “(x) *The agriculture industry.*

20 “(xi) *The ranching industry.*

21 “(xii) *Women’s hunting and fishing*
22 *advocacy, outreach, or education organiza-*
23 *tion.*

1 “(xiii) *Minority hunting and fishing*
2 *advocacy, outreach, or education organiza-*
3 *tion.*

4 “(xiv) *Veterans service organization.*

5 “(D) *ELIGIBILITY.—Prior to the appoint-*
6 *ment of the discretionary members, the Secre-*
7 *taries shall determine that all individuals nomi-*
8 *nated for appointment to the Advisory Com-*
9 *mittee, and the organization each individual*
10 *represents, actively support and promote sustain-*
11 *able-use hunting, wildlife conservation, and rec-*
12 *reational shooting.*

13 “(2) *TERMS.—*

14 “(A) *IN GENERAL.—Except as provided in*
15 *subparagraph (B), members of the Advisory*
16 *Committee shall be appointed for a term of 4*
17 *years. Members shall not be appointed for more*
18 *than 3 consecutive or nonconsecutive terms.*

19 “(B) *TERMS OF INITIAL APPOINTEES.—As*
20 *designated by the Secretary at the time of ap-*
21 *pointment, of the members first appointed—*

22 “(i) *6 members shall be appointed for*
23 *a term of 4 years;*

24 “(ii) *5 members shall be appointed for*
25 *a term of 3 years; and*

1 “(iii) 5 members shall be appointed for
2 a term of 2 years.

3 “(3) *PRESERVATION OF PUBLIC ADVISORY STA-*
4 *TUS.—No individual may be appointed as a discre-*
5 *tionary member of the Advisory Committee while*
6 *serving as an officer or employee of the Federal Gov-*
7 *ernment.*

8 “(4) *VACANCY AND REMOVAL.—*

9 “(A) *IN GENERAL.—Any vacancy on the*
10 *Advisory Committee shall be filled in the manner*
11 *in which the original appointment was made.*

12 “(B) *REMOVAL.—Advisory Committee mem-*
13 *bers shall serve at the discretion of the Secre-*
14 *taries and may be removed at any time for good*
15 *cause.*

16 “(5) *CONTINUATION OF SERVICE.—Each ap-*
17 *pointed member may continue to serve after the expi-*
18 *ration of the term of office to which such member was*
19 *appointed until a successor has been appointed.*

20 “(6) *CHAIRPERSON.—The Chairperson of the Ad-*
21 *visory Committee shall be appointed for a 3-year*
22 *term by the Secretaries, jointly, from among the mem-*
23 *bers of the Advisory Committee. An individual may*
24 *not be appointed as Chairperson for more than 2 con-*
25 *secutive or nonconsecutive terms.*

1 “(7) *PAY AND EXPENSES.*—*Members of the Advi-*
2 *sory Committee shall serve without pay for such serv-*
3 *ice, but each member of the Advisory Committee may*
4 *be reimbursed for travel and lodging incurred through*
5 *attending meetings of the Advisory Committee ap-*
6 *proved subgroup meetings in the same amounts and*
7 *under the same conditions as Federal employees (in*
8 *accordance with section 5703 of title 5, United States*
9 *Code).*

10 “(8) *MEETINGS.*—

11 “(A) *IN GENERAL.*—*The Advisory Com-*
12 *mittee shall meet at the call of the Secretaries,*
13 *the chairperson, or a majority of the members,*
14 *but not less frequently than twice annually.*

15 “(B) *OPEN MEETINGS.*—*Each meeting of*
16 *the Advisory Committee shall be open to the pub-*
17 *lic.*

18 “(C) *PRIOR NOTICE OF MEETINGS.*—*Timely*
19 *notice of each meeting of the Advisory Committee*
20 *shall be published in the Federal Register and be*
21 *submitted to trade publications and publications*
22 *of general circulation.*

23 “(D) *SUBGROUPS.*—*The Advisory Com-*
24 *mittee may establish such workgroups or sub-*
25 *groups as it deems necessary for the purpose of*

1 *compiling information or conducting research.*
2 *However, such workgroups may not conduct*
3 *business without the direction of the Advisory*
4 *Committee and must report in full to the Advi-*
5 *sory Committee.*

6 “(9) *QUORUM.*—*Nine members of the Advisory*
7 *Committee shall constitute a quorum.*

8 “(e) *EXPENSES.*—*The expenses of the Advisory Com-*
9 *mittee that the Secretaries determine to be reasonable and*
10 *appropriate shall be paid by the Secretaries.*

11 “(f) *ADMINISTRATIVE SUPPORT, TECHNICAL SERV-*
12 *ICES, AND ADVICE.*—*A designated Federal Officer shall be*
13 *jointly appointed by the Secretaries to provide to the Advi-*
14 *sory Committee the administrative support, technical serv-*
15 *ices, and advice that the Secretaries determine to be reason-*
16 *able and appropriate.*

17 “(g) *ANNUAL REPORT.*—

18 “(1) *REQUIRED.*—*Not later than September 30*
19 *of each year, the Advisory Committee shall submit a*
20 *report to the Secretaries, the Committee on Natural*
21 *Resources and the Committee on Agriculture of the*
22 *House of Representatives, and the Committee on En-*
23 *ergy and Natural Resources and the Committee on*
24 *Agriculture, Nutrition, and Forestry of the Senate. If*
25 *circumstances arise in which the Advisory Committee*

1 cannot meet the September 30 deadline in any year,
 2 the Secretaries shall advise the Chairpersons of each
 3 such Committee of the reasons for such delay and the
 4 date on which the submission of the report is antici-
 5 pated.

6 “(2) CONTENTS.—The report required by para-
 7 graph (1) shall describe—

8 “(A) the activities of the Advisory Com-
 9 mittee during the preceding year;

10 “(B) the reports and recommendations
 11 made by the Advisory Committee to the Secre-
 12 taries during the preceding year; and

13 “(C) an accounting of actions taken by the
 14 Secretaries as a result of the recommendations.

15 “(h) FEDERAL ADVISORY COMMITTEE ACT.—The Ad-
 16 visory Committee shall be exempt from the Federal Advisory
 17 Committee Act (5 U.S.C. App.).”.

18 **Subtitle F—Recreational Fishing**
 19 **and Hunting Heritage Opportu-**
 20 **nities Act**

21 **SEC. 2061. SHORT TITLE.**

22 This subtitle may be cited as the “Recreational Fishing
 23 and Hunting Heritage and Opportunities Act”.

24 **SEC. 2062. FINDINGS.**

25 Congress finds that—

1 (1) recreational fishing and hunting are impor-
2 tant and traditional activities in which millions of
3 Americans participate;

4 (2) recreational anglers and hunters have been
5 and continue to be among the foremost supporters of
6 sound fish and wildlife management and conservation
7 in the United States;

8 (3) recreational fishing and hunting are environ-
9 mentally acceptable and beneficial activities that
10 occur and can be provided on Federal lands and
11 waters without adverse effects on other uses or users;

12 (4) recreational anglers, hunters, and sporting
13 organizations provide direct assistance to fish and
14 wildlife managers and enforcement officers of the Fed-
15 eral Government as well as State and local govern-
16 ments by investing volunteer time and effort to fish
17 and wildlife conservation;

18 (5) recreational anglers, hunters, and the associ-
19 ated industries have generated billions of dollars of
20 critical funding for fish and wildlife conservation, re-
21 search, and management by providing revenues from
22 purchases of fishing and hunting licenses, permits,
23 and stamps, as well as excise taxes on fishing, hunt-
24 ing, and recreational shooting equipment that have
25 generated billions of dollars of critical funding for

1 *fish and wildlife conservation, research, and manage-*
2 *ment;*

3 (6) *recreational shooting is also an important*
4 *and traditional activity in which millions of Ameri-*
5 *cans participate;*

6 (7) *safe recreational shooting is a valid use of*
7 *Federal lands, including the establishment of safe and*
8 *convenient recreational shooting ranges on such lands,*
9 *and participation in recreational shooting helps re-*
10 *cruit and retain hunters and contributes to wildlife*
11 *conservation;*

12 (8) *opportunities to recreationally fish, hunt,*
13 *and shoot are declining, which depresses participation*
14 *in these traditional activities, and depressed partici-*
15 *pation adversely impacts fish and wildlife conserva-*
16 *tion and funding for important conservation efforts;*
17 *and*

18 (9) *the public interest would be served, and our*
19 *citizens' fish and wildlife resources benefitted, by ac-*
20 *tion to ensure that opportunities are facilitated to en-*
21 *gage in fishing and hunting on Federal land as recog-*
22 *nized by Executive Order No. 12962, relating to rec-*
23 *reational fisheries, and Executive Order No. 13443,*
24 *relating to facilitation of hunting heritage and wild-*
25 *life conservation.*

1 **SEC. 2063. FISHING, HUNTING, AND RECREATIONAL SHOOT-**
2 **ING.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *FEDERAL LAND.—The term “Federal land”*
5 *means any land or water that is owned by the United*
6 *States and under the administrative jurisdiction of*
7 *the Bureau of Land Management or the Forest Serv-*
8 *ice.*

9 (2) *FEDERAL LAND MANAGEMENT OFFICIALS.—*
10 *The term “Federal land management officials”*
11 *means—*

12 (A) *the Secretary of the Interior and Direc-*
13 *tor of the Bureau of Land Management regard-*
14 *ing Bureau of Land Management lands and in-*
15 *terests in lands under the administrative juris-*
16 *isdiction of the Bureau of Land Management; and*

17 (B) *the Secretary of Agriculture and Chief*
18 *of the Forest Service regarding National Forest*
19 *System lands.*

20 (3) *HUNTING.—*

21 (A) *IN GENERAL.—Except as provided in*
22 *subparagraph (B), the term “hunting” means*
23 *use of a firearm, bow, or other authorized means*
24 *in the lawful—*

25 (i) *pursuit, shooting, capture, collec-*
26 *tion, trapping, or killing of wildlife;*

1 (ii) attempt to pursue, shoot, capture,
2 collect, trap, or kill wildlife; or

3 (iii) the training of hunting dogs, in-
4 cluding field trials.

5 (B) *EXCLUSION.*—The term “hunting” does
6 not include the use of skilled volunteers to cull
7 excess animals (as defined by other Federal law).

8 (4) *RECREATIONAL FISHING.*—The term “rec-
9 reational fishing” means the lawful—

10 (A) pursuit, capture, collection, or killing of
11 fish; or

12 (B) attempt to capture, collect, or kill fish.

13 (5) *RECREATIONAL SHOOTING.*—The term “rec-
14 reational shooting” means any form of sport, train-
15 ing, competition, or pastime, whether formal or infor-
16 mal, that involves the discharge of a rifle, handgun,
17 or shotgun, or the use of a bow and arrow.

18 (b) *IN GENERAL.*—Subject to valid existing rights and
19 subsection (e), and cooperation with the respective State fish
20 and wildlife agency, Federal land management officials
21 shall exercise authority under existing law, including provi-
22 sions regarding land use planning, to facilitate use of and
23 access to Federal lands, including National Monuments,
24 Wilderness Areas, Wilderness Study Areas, and lands ad-
25 ministratively classified as wilderness eligible or suitable

1 *and primitive or semi-primitive areas, for fishing, hunting,*
2 *and recreational shooting, except as limited by—*

3 *(1) statutory authority that authorizes action or*
4 *withholding action for reasons of national security,*
5 *public safety, or resource conservation;*

6 *(2) any other Federal statute that specifically*
7 *precludes fishing, hunting, or recreational shooting on*
8 *specific Federal lands, waters, or units thereof; and*

9 *(3) discretionary limitations on fishing, hunting,*
10 *and recreational shooting determined to be necessary*
11 *and reasonable as supported by the best scientific evi-*
12 *dence and advanced through a transparent public*
13 *process.*

14 *(c) MANAGEMENT.—Consistent with subsection (a),*
15 *Federal land management officials shall exercise their land*
16 *management discretion—*

17 *(1) in a manner that supports and facilitates*
18 *fishing, hunting, and recreational shooting opportuni-*
19 *ties;*

20 *(2) to the extent authorized under applicable*
21 *State law; and*

22 *(3) in accordance with applicable Federal law.*

23 *(d) PLANNING.—*

24 *(1) EVALUATION OF EFFECTS ON OPPORTUNITIES*
25 *TO ENGAGE IN FISHING, HUNTING, OR RECREATIONAL*

1 *SHOOTING.—Planning documents that apply to Fed-*
2 *eral lands, including land resources management*
3 *plans, resource management plans, travel manage-*
4 *ment plans, and general management plans shall in-*
5 *clude a specific evaluation of the effects of such plans*
6 *on opportunities to engage in fishing, hunting, or rec-*
7 *reational shooting.*

8 (2) *STRATEGIC GROWTH POLICY FOR THE NA-*
9 *TIONAL WILDLIFE REFUGE SYSTEM.—Section 4(a)(3)*
10 *of the National Wildlife Refuge System Administra-*
11 *tion Act of 1966 (16 U.S.C. 668dd(a)(3)) is amend-*
12 *ed—*

13 (A) *by redesignating subparagraphs (C)*
14 *and (D) as subparagraphs (D) and (E), respec-*
15 *tively; and*

16 (B) *by inserting after subparagraph (B),*
17 *the following:*

18 “(C) *the Secretary shall integrate wildlife-de-*
19 *pendent recreational uses in accordance with their*
20 *status as priority general public uses into proposed or*
21 *existing regulations, policies, criteria, plans, or other*
22 *activities to alter or amend the manner in which in-*
23 *dividual refuges or the National Wildlife Refuge Sys-*
24 *tem (System) are managed, including, but not limited*

1 *to, any activities which target or prioritize criteria*
2 *for long and short term System acquisitions;”.*

3 (3) *NO MAJOR FEDERAL ACTION.*—No action
4 *taken under this subtitle, or under section 4 of the*
5 *National Wildlife Refuge System Administration Act*
6 *of 1966 (16 U.S.C. 668dd), either individually or cu-*
7 *mulatively with other actions involving Federal lands*
8 *or lands managed by the United States Fish and*
9 *Wildlife Service, shall be considered to be a major*
10 *Federal action significantly affecting the quality of*
11 *the human environment, and no additional identi-*
12 *fication, analysis, or consideration of environmental*
13 *effects, including cumulative effects, is necessary or*
14 *required.*

15 (4) *OTHER ACTIVITY NOT CONSIDERED.*—Federal
16 *land management officials are not required to con-*
17 *sider the existence or availability of fishing, hunting,*
18 *or recreational shooting opportunities on adjacent or*
19 *nearby public or private lands in the planning for or*
20 *determination of which Federal lands are open for*
21 *these activities or in the setting of levels of use for*
22 *these activities on Federal lands, unless the combina-*
23 *tion or coordination of such opportunities would en-*
24 *hance the fishing, hunting, or recreational shooting*
25 *opportunities available to the public.*

1 (e) *FEDERAL LANDS.*—

2 (1) *LANDS OPEN.*—*Lands under the jurisdiction*
3 *of the Bureau of Land Management and the Forest*
4 *Service, including Wilderness Areas, Wilderness*
5 *Study Areas, lands designated as wilderness or ad-*
6 *ministratively classified as wilderness eligible or suit-*
7 *able and primitive or semi-primitive areas and Na-*
8 *tional Monuments, but excluding lands on the Outer*
9 *Continental Shelf, shall be open to fishing, hunting,*
10 *and recreational shooting unless the managing Fed-*
11 *eral agency acts to close lands to such activity. Lands*
12 *may be subject to closures or restrictions if deter-*
13 *mined by the head of the agency to be necessary and*
14 *reasonable and supported by facts and evidence, for*
15 *purposes including resource conservation, public safe-*
16 *ty, energy or mineral production, energy generation*
17 *or transmission infrastructure, water supply facili-*
18 *ties, protection of other permittees, protection of pri-*
19 *vate property rights or interest, national security, or*
20 *compliance with other law.*

21 (2) *RECREATIONAL SHOOTING RANGES.*—

22 (A) *IN GENERAL.*—*The head of each Federal*
23 *agency shall use his or her authorities in a man-*
24 *ner consistent with this Act and other applicable*
25 *law, to—*

1 (i) lease or permit use of lands under
2 the jurisdiction of the agency for rec-
3 reational shooting ranges; and

4 (ii) designate specific lands under the
5 jurisdiction of the agency for recreational
6 shooting activities.

7 (B) *LIMITATION ON LIABILITY.*—Any des-
8 ignation under subparagraph (A)(ii) shall not
9 subject the United States to any civil action or
10 claim for monetary damages for injury or loss of
11 property or personal injury or death caused by
12 any activity occurring at or on such designated
13 lands.

14 (f) *NECESSITY IN WILDERNESS AREAS AND “WITHIN*
15 *AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.*—

16 (1) *MINIMUM REQUIREMENTS FOR ADMINISTRA-*
17 *TION.*—The provision of opportunities for fishing,
18 hunting, and recreational shooting, and the conserva-
19 tion of fish and wildlife to provide sustainable use
20 recreational opportunities on designated Federal wil-
21 derness areas shall constitute measures necessary to
22 meet the minimum requirements for the administra-
23 tion of the wilderness area, provided that this deter-
24 mination shall not authorize or facilitate commodity
25 development, use, or extraction, motorized rec-

1 *reational access or use that is not otherwise allowed*
2 *under the Wilderness Act (16 U.S.C. 1131 et seq.), or*
3 *permanent road construction or maintenance within*
4 *designated wilderness areas.*

5 (2) *APPLICATION OF WILDERNESS ACT.—Provi-*
6 *sions of the Wilderness Act (16 U.S.C. 1131 et seq.),*
7 *stipulating that wilderness purposes are “within and*
8 *supplemental to” the purposes of the underlying Fed-*
9 *eral land unit are reaffirmed. When seeking to carry*
10 *out fish and wildlife conservation programs and*
11 *projects or provide fish and wildlife dependent recre-*
12 *ation opportunities on designated wilderness areas,*
13 *each Federal land management official shall imple-*
14 *ment these supplemental purposes so as to facilitate,*
15 *enhance, or both, but not to impede the underlying*
16 *Federal land purposes when seeking to carry out fish*
17 *and wildlife conservation programs and projects or*
18 *provide fish and wildlife dependent recreation oppor-*
19 *tunities in designated wilderness areas, provided that*
20 *such implementation shall not authorize or facilitate*
21 *commodity development, use or extraction, or perma-*
22 *nent road construction or maintenance within des-*
23 *ignated wilderness areas.*

24 (g) *NO PRIORITY.—Nothing in this section requires a*
25 *Federal land management official to give preference to fish-*

1 *ing, hunting, or recreational shooting over other uses of*
 2 *Federal land or over land or water management priorities*
 3 *established by Federal law.*

4 (h) *CONSULTATION WITH COUNCILS.*—*In fulfilling the*
 5 *duties under this section, Federal land management offi-*
 6 *cials shall consult with respective advisory councils as es-*
 7 *tablished in Executive Order Nos. 12962 and 13443.*

8 (i) *AUTHORITY OF THE STATES.*—*Nothing in this sec-*
 9 *tion shall be construed as interfering with, diminishing, or*
 10 *conflicting with the authority, jurisdiction, or responsi-*
 11 *bility of any State to exercise primary management, con-*
 12 *trol, or regulation of fish and wildlife under State law (in-*
 13 *cluding regulations) on land or water within the State, in-*
 14 *cluding on Federal land.*

15 (j) *FEDERAL LICENSES.*—*Nothing in this section shall*
 16 *be construed to authorize a Federal land management offi-*
 17 *cial to require a license, fee, or permit to fish, hunt, or trap*
 18 *on land or water in a State, including on Federal land*
 19 *in the States, except that this subsection shall not affect the*
 20 *Migratory Bird Stamp requirement set forth in the Migra-*
 21 *tory Bird Hunting and Conservation Stamp Act (16 U.S.C.*
 22 *718 et seq.).*

23 **SEC. 2064. VOLUNTEER HUNTERS; REPORTS; CLOSURES**
 24 **AND RESTRICTIONS.**

25 (a) *DEFINITIONS.*—*For the purposes of this section:*

1 (1) *PUBLIC LAND.*—*The term “public land”*
2 *means—*

3 (A) *units of the National Park System;*

4 (B) *National Forest System lands; and*

5 (C) *land and interests in land owned by the*
6 *United States and under the administrative ju-*
7 *risdiction of—*

8 (i) *the Fish and Wildlife Service; or*

9 (ii) *the Bureau of Land Management.*

10 (2) *SECRETARY.*—*The term “Secretary”*
11 *means—*

12 (A) *the Secretary of the Interior and in-*
13 *cludes the Director of the National Park Service,*
14 *with regard to units of the National Park Sys-*
15 *tem;*

16 (B) *the Secretary of the Interior and in-*
17 *cludes the Director of the Fish and Wildlife Serv-*
18 *ice, with regard to Fish and Wildlife Service*
19 *lands and waters;*

20 (C) *the Secretary of the Interior and in-*
21 *cludes the Director of the Bureau of Land Man-*
22 *agement, with regard to Bureau of Land Man-*
23 *agement lands and waters; and*

1 (D) *the Secretary of Agriculture and in-*
2 *cludes the Chief of the Forest Service, with re-*
3 *gard to National Forest System lands.*

4 (3) *VOLUNTEER FROM THE HUNTING COMMU-*
5 *NITY.—The term “volunteer from the hunting commu-*
6 *nity” means a volunteer who holds a valid hunting*
7 *license issued by a State.*

8 (b) *VOLUNTEER HUNTERS.—When planning wildlife*
9 *management involving reducing the size of a wildlife popu-*
10 *lation on public land, the Secretary shall consider the use*
11 *of and may use volunteers from the hunting community as*
12 *agents to assist in carrying out wildlife management on*
13 *public land. The Secretary shall not reject the use of volun-*
14 *teers from the hunting community as agents without the*
15 *concurrence of the appropriate State wildlife management*
16 *authorities.*

17 (c) *REPORT.—Beginning on the second October 1 after*
18 *the date of the enactment of this Act and biennially on Octo-*
19 *ber 1 thereafter, the Secretary shall submit to the Committee*
20 *on Natural Resources of the House of Representatives and*
21 *the Committee on Energy and Natural Resources of the Sen-*
22 *ate a report that describes—*

23 (1) *any public land administered by the Sec-*
24 *retary that was closed to fishing, hunting, and rec-*

1 *reational shooting at any time during the preceding*
2 *year; and*

3 *(2) the reason for the closure.*

4 *(d) CLOSURES OR SIGNIFICANT RESTRICTIONS.—*

5 *(1) IN GENERAL.—Other than closures estab-*
6 *lished or prescribed by land planning actions referred*
7 *to in section 2064(e) or emergency closures described*
8 *in paragraph (2), a permanent or temporary with-*
9 *drawal, change of classification, or change of manage-*
10 *ment status of public land that effectively closes or*
11 *significantly restricts any acreage of public land to*
12 *access or use for fishing, hunting, recreational shoot-*
13 *ing, or activities related to fishing, hunting, or rec-*
14 *reational shooting, or a combination of those activi-*
15 *ties, shall take effect only if, before the date of with-*
16 *drawal or change, the Secretary—*

17 *(A) publishes appropriate notice of the*
18 *withdrawal or change, respectively;*

19 *(B) demonstrates that coordination has oc-*
20 *curred with a State fish and wildlife agency;*
21 *and*

22 *(C) submits to the Committee on Natural*
23 *Resources of the House of Representatives and*
24 *the Committee on Energy and Natural Resources*

1 *of the Senate written notice of the withdrawal or*
 2 *change, respectively.*

3 (2) *EMERGENCY CLOSURES.*—*Nothing in this*
 4 *Act prohibits the Secretary from establishing or im-*
 5 *plementing emergency closures or restrictions of the*
 6 *smallest practicable area to provide for public safety,*
 7 *resource conservation, national security, or other pur-*
 8 *poses authorized by law. Such an emergency closure*
 9 *shall terminate after a reasonable period of time un-*
 10 *less converted to a permanent closure consistent with*
 11 *this Act.*

12 ***Subtitle G—Farmer and Hunter***
 13 ***Protection Act***

14 ***SEC. 2071. SHORT TITLE.***

15 *This subtitle may be cited as the “Hunter and Farmer*
 16 *Protection Act”.*

17 ***SEC. 2072. BAITING OF MIGRATORY GAME BIRDS.***

18 *Section 3 of the Migratory Bird Treaty Act (16 U.S.C.*
 19 *704) is amended by striking subsection (b) and inserting*
 20 *the following:*

21 “(b) *PROHIBITION OF BAITING.*—

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

23 “(A) *BAITED AREA.*—

24 “(i) *IN GENERAL.*—*The term ‘baited*
 25 *area’ means—*

1 “(I) any area on which salt,
2 grain, or other feed has been placed,
3 exposed, deposited, distributed, or scat-
4 tered, if the salt, grain, or feed could
5 lure or attract migratory game birds;
6 and

7 “(II) in the case of waterfowl,
8 cranes (family Gruidae), and coots
9 (family Rallidae), a standing, unhar-
10 vested crop that has been manipulated
11 through activities such as mowing,
12 discing, or rolling, unless the activities
13 are normal agricultural practices.

14 “(ii) EXCLUSIONS.—An area shall not
15 be considered to be a ‘baited area’ if the
16 area—

17 “(I) has been treated with a nor-
18 mal agricultural practice;

19 “(II) has standing crops that have
20 not been manipulated; or

21 “(III) has standing crops that
22 have been or are flooded.

23 “(B) BAITING.—The term ‘baiting’ means
24 the direct or indirect placing, exposing, depos-
25 iting, distributing, or scattering of salt, grain, or

1 *other feed that could lure or attract migratory*
2 *game birds to, on, or over any areas on which*
3 *a hunter is attempting to take migratory game*
4 *birds.*

5 “(C) *MIGRATORY GAME BIRD.*—*The term*
6 *‘migratory game bird’ means migratory bird*
7 *species—*

8 “(i) *that are within the taxonomic*
9 *families of Anatidae, Columbidae, Gruidae,*
10 *Rallidae, and Scolopacidae; and*

11 “(ii) *for which open seasons are pre-*
12 *scribed by the Secretary of the Interior.*

13 “(D) *NORMAL AGRICULTURAL PRACTICE.*—

14 “(i) *IN GENERAL.*—*The term ‘normal*
15 *agricultural practice’ means any practice*
16 *in 1 annual growing season that—*

17 “(I) *is carried out in order to*
18 *produce a marketable crop, including*
19 *planting, harvest, postharvest, or soil*
20 *conservation practices; and*

21 “(II) *is recommended for the suc-*
22 *cessful harvest of a given crop by the*
23 *applicable State office of the Coopera-*
24 *tive Extension System of the Depart-*
25 *ment of Agriculture, in consultation*

1 *with, and if requested, the concurrence*
2 *of, the head of the applicable State de-*
3 *partment of fish and wildlife.*

4 “(i) *INCLUSIONS.*—

5 “(I) *IN GENERAL.*—*Subject to*
6 *subclause (II), the term ‘normal agri-*
7 *cultural practice’ includes the destruc-*
8 *tion of a crop in accordance with prac-*
9 *tices required by the Federal Crop In-*
10 *surance Corporation for agricultural*
11 *producers to obtain crop insurance*
12 *under the Federal Crop Insurance Act*
13 *(7 U.S.C. 1501 et seq.) on land on*
14 *which a crop during the current or im-*
15 *mediately preceding crop year was not*
16 *harvestable due to a natural disaster*
17 *(including any hurricane, storm, tor-*
18 *nado, flood, high water, wind-driven*
19 *water, tidal wave, tsunami, earth-*
20 *quake, volcanic eruption, landslide,*
21 *mudslide, drought, fire, snowstorm, or*
22 *other catastrophe that is declared a*
23 *major disaster by the President in ac-*
24 *cordance with section 401 of the Robert*
25 *T. Stafford Disaster Relief and Emer-*

1 *gency Assistance Act (42 U.S.C.*
2 *5170)).*

3 “(II) *LIMITATIONS.—The term*
4 *‘normal agricultural practice’ only in-*
5 *cludes a crop described in subclause (I)*
6 *that has been destroyed or manipulated*
7 *through activities that include (but are*
8 *not limited to) mowing, discing, or*
9 *rolling if the Federal Crop Insurance*
10 *Corporation certifies that flooding was*
11 *not an acceptable method of destruction*
12 *to obtain crop insurance under the*
13 *Federal Crop Insurance Act (7 U.S.C.*
14 *1501 et seq.).*

15 “(E) *WATERFOWL.—The term ‘waterfowl’*
16 *means native species of the family Anatidae.*

17 “(2) *PROHIBITION.—It shall be unlawful for any*
18 *person—*

19 “(A) *to take any migratory game bird by*
20 *baiting or on or over any baited area, if the per-*
21 *son knows or reasonably should know that the*
22 *area is a baited area; or*

23 “(B) *to place or direct the placement of bait*
24 *on or adjacent to an area for the purpose of*
25 *causing, inducing, or allowing any person to*

1 *take or attempt to take any migratory game bird*
 2 *by baiting or on or over the baited area.*

3 “(3) *REGULATIONS.*—*The Secretary of the Inte-*
 4 *rior may promulgate regulations to implement this*
 5 *subsection.*

6 “(4) *REPORTS.*—*Annually, the Secretary of Ag-*
 7 *riculture shall submit to the Secretary of the Interior*
 8 *a report that describes any changes to normal agri-*
 9 *cultural practices across the range of crops grown by*
 10 *agricultural producers in each region of the United*
 11 *States in which the recommendations are provided to*
 12 *agricultural producers.”.*

13 ***Subtitle H—Transporting Bows***
 14 ***Across National Park Service***
 15 ***Lands***

16 ***SEC. 2081. SHORT TITLE.***

17 *This subtitle may be cited as the “Hunter Access Cor-*
 18 *ridors Act”.*

19 ***SEC. 2082. BOWHUNTING OPPORTUNITY AND WILDLIFE***
 20 ***STEWARDSHIP.***

21 “(a) *IN GENERAL.*—*Subchapter II of chapter 1015 of*
 22 *title 54, United States Code, is amended by adding at the*
 23 *end the following:*

24 ***“§ 101513. Hunter access corridors***

25 “(a) *DEFINITIONS.*—*In this section:*

1 “(1) *NOT READY FOR IMMEDIATE USE.*—The
2 term ‘not ready for immediate use’ means—

3 “(A) a bow or crossbow, the arrows of which
4 are secured or stowed in a quiver or other arrow
5 transport case; and

6 “(B) with respect to a crossbow, uncocked.

7 “(2) *VALID HUNTING LICENSE.*—The term ‘valid
8 hunting license’ means a State-issued hunting license
9 that authorizes an individual to hunt on private or
10 public land adjacent to the System unit in which the
11 individual is located while in possession of a bow or
12 crossbow that is not ready for immediate use.

13 “(b) *TRANSPORTATION AUTHORIZED.*—

14 “(1) *IN GENERAL.*—The Director shall not re-
15 quire a permit for, or promulgate or enforce any reg-
16 ulation that prohibits an individual from trans-
17 porting bows and crossbows that are not ready for
18 immediate use across any System unit if—

19 “(A) in the case of an individual traversing
20 the System unit on foot—

21 “(i) the individual is not otherwise
22 prohibited by law from possessing the bows
23 and crossbows;

24 “(ii) the bows or crossbows are not
25 ready for immediate use throughout the pe-

1 *riod during which the bows or crossbows are*
2 *transported across the System unit;*

3 *“(iii) the possession of the bows and*
4 *crossbows is in compliance with the law of*
5 *the State in which the System unit is lo-*
6 *cated; and*

7 *“(iv)(I) the individual possesses a*
8 *valid hunting license;*

9 *“(II) the individual is traversing the*
10 *System unit en route to a hunting access*
11 *corridor established under subsection (c)(1);*
12 *or*

13 *“(III) the individual is traversing the*
14 *System unit in compliance with any other*
15 *applicable regulations or policies; or*

16 *“(B) the bows or crossbows are not ready*
17 *for immediate use and remain inside a vehicle.*

18 *“(2) ENFORCEMENT.—Nothing in this subsection*
19 *limits the authority of the Director to enforce laws*
20 *(including regulations) prohibiting hunting or the*
21 *taking of wildlife in any System unit.*

22 *“(c) ESTABLISHMENT OF HUNTER ACCESS COR-*
23 *RIDORS.—*

24 *“(1) IN GENERAL.—On a determination by the*
25 *Director under paragraph (2), the Director may es-*

1 *tablish and publish (in accordance with section 1.5 of*
2 *title 36, Code of Federal Regulations (or a successor*
3 *regulation)), on a publicly available map, hunter ac-*
4 *cess corridors across System units that are used to ac-*
5 *cess public land that is—*

6 *“(A) contiguous to a System unit; and*

7 *“(B) open to hunting.*

8 *“(2) DETERMINATION BY DIRECTOR.—The deter-*
9 *mination referred to in paragraph (1) is a deter-*
10 *mination that the hunter access corridor would pro-*
11 *vide wildlife management or visitor experience bene-*
12 *fits within the boundary of the System unit in which*
13 *the hunter access corridor is located.*

14 *“(3) HUNTING SEASON.—The hunter access cor-*
15 *ridors shall be open for use during hunting seasons.*

16 *“(4) EXCEPTION.—The Director may establish*
17 *limited periods during which access through the hun-*
18 *ter access corridors is closed for reasons of public safe-*
19 *ty, administration, or compliance with applicable*
20 *law. Such closures shall be clearly marked with signs*
21 *and dates of closures, and shall not include gates,*
22 *chains, walls, or other barriers on the hunter access*
23 *corridor.*

24 *“(5) IDENTIFICATION OF CORRIDORS.—The Di-*
25 *rector shall—*

1 “(A) make information regarding hunter
2 access corridors available on the individual
3 website of the applicable System unit; and

4 “(B) provide information regarding any
5 processes established by the Director for trans-
6 porting legally taken game through individual
7 hunter access corridors.

8 “(6) REGISTRATION; TRANSPORTATION OF
9 GAME.—The Director may—

10 “(A) provide registration boxes to be located
11 at the trailhead of each hunter access corridor for
12 self-registration;

13 “(B) provide a process for online self-reg-
14 istration; and

15 “(C) allow nonmotorized conveyances to
16 transport legally taken game through a hunter
17 access corridor established under this subsection,
18 including game carts and sleds.

19 “(7) CONSULTATION WITH STATES.—The Direc-
20 tor shall consult with each applicable State wildlife
21 agency to identify appropriate hunter access cor-
22 ridors.

23 “(d) EFFECT.—Nothing in this section—

24 “(1) diminishes, enlarges, or modifies any Fed-
25 eral or State authority with respect to recreational

1 *hunting, recreational shooting, or any other rec-*
2 *reational activities within the boundaries of a System*
3 *unit; or*

4 “(2) *authorizes—*

5 “(A) *the establishment of new trails in Sys-*
6 *tem units; or*

7 “(B) *authorizes individuals to access areas*
8 *in System units, on foot or otherwise, that are*
9 *not open to such access.*

10 “(e) *NO MAJOR FEDERAL ACTION.—*

11 “(1) *IN GENERAL.—Any action taken under this*
12 *section shall not be considered a major Federal action*
13 *significantly affecting the quality of the human envi-*
14 *ronment under the National Environmental Policy*
15 *Act of 1969 (42 U.S.C. 4321 et seq.).*

16 “(2) *NO ADDITIONAL ACTION REQUIRED.—No*
17 *additional identification, analyses, or consideration*
18 *of environmental effects (including cumulative envi-*
19 *ronmental effects) is necessary or required with re-*
20 *spect to an action taken under this section.”.*

21 (b) *CLERICAL AMENDMENT.—The table of sections for*
22 *title 54, United States Code, is amended by inserting after*
23 *the item relating to section 101512 the following:*

“101513. Hunter access corridors.”.

1 ***Subtitle I—Federal Land Trans-***
2 ***action Facilitation Act Reau-***
3 ***thorization (FLTFA)***

4 **SEC. 2091. SHORT TITLE.**

5 *This subtitle may be cited as the “Federal Land Trans-*
6 *action Facilitation Act Reauthorization”.*

7 **SEC. 2092. FEDERAL LAND TRANSACTION FACILITATION**
8 **ACT.**

9 *The Federal Land Transaction Facilitation Act is*
10 *amended—*

11 *(1) in section 203(1) (43 U.S.C. 2302(1)), by*
12 *striking “cultural, or” and inserting “cultural, rec-*
13 *reational access and use, or other”;*

14 *(2) in section 203(2) in the matter preceding*
15 *subparagraph (A), by striking “on the date of enact-*
16 *ment of this Act was” and inserting “is”;*

17 *(3) in section 205 (43 U.S.C. 2304)—*

18 *(A) in subsection (a), by striking “section*
19 *206” and all that follows through the period and*
20 *inserting the following: “section 206—*

21 *“(1) to complete appraisals and satisfy other*
22 *legal requirements for the sale or exchange of public*
23 *land identified for disposal under approved land use*
24 *plans under section 202 of the Federal Land Policy*
25 *and Management Act of 1976 (43 U.S.C. 1712);*

1 “(2) not later than 180 days after the date of the
2 *enactment of the Federal Land Transaction Facilita-*
3 *tion Act Reauthorization, to establish and make*
4 *available to the public, on the website of the Depart-*
5 *ment of the Interior, a database containing a com-*
6 *prehensive list of all the land referred to in para-*
7 *graph (1); and*

8 “(3) to maintain the database referred to in
9 *paragraph (2).*”; and

10 (B) in subsection (d), by striking “11” and
11 inserting “22”;

12 (4) by amending section 206(c)(1) (43 U.S.C.
13 2305(c)(1)) to read as follows:

14 “(1) *USE OF FUNDS.*—

15 “(A) *IN GENERAL.*—*Funds in the Federal*
16 *Land Disposal Account shall be expended, subject*
17 *to appropriation, in accordance with this sub-*
18 *section.*

19 “(B) *PURPOSES.*—*Except as authorized*
20 *under paragraph (2), funds in the Federal Land*
21 *Disposal Account shall be used for one or more*
22 *of the following purposes:*

23 “(i) *To purchase lands or interests*
24 *therein that are otherwise authorized by law*

1 to be acquired and are one or more of the
2 following:

3 “(I) *Inholdings.*

4 “(II) *Adjacent to federally des-*
5 *ignated areas and contain exceptional*
6 *resources.*

7 “(III) *Provide opportunities for*
8 *hunting, recreational fishing, rec-*
9 *reational shooting, and other rec-*
10 *reational activities.*

11 “(IV) *Likely to aid in the per-*
12 *formance of deferred maintenance or*
13 *the reduction of operation and mainte-*
14 *nance costs or other deferred costs.*

15 “(ii) *To perform deferred maintenance*
16 *or other maintenance activities that en-*
17 *hance opportunities for recreational ac-*
18 *cess.”;*

19 (5) *in section 206(c)(2) (43 U.S.C. 2305(c)(2))—*

20 (A) *by striking subparagraph (A);*

21 (B) *by redesignating subparagraphs (B),*
22 (C), *and (D) as subparagraphs (A), (B), and*
23 (C), *respectively;*

24 (C) *in subparagraph (C) (as so redesignated*
25 *by this paragraph)—*

1 (i) by striking “PURCHASES” and in-
2 serting “LAND PURCHASES AND PERFORM-
3 ANCE OF DEFERRED MAINTENANCE ACTIVI-
4 TIES”;

5 (ii) by striking “subparagraph (C)”
6 and inserting “subparagraph (B)”; and

7 (iii) by inserting “for the activities
8 outlined in paragraph (2)” after “gen-
9 erated”; and

10 (D) by adding at the end the following:

11 “(D) Any funds made available under sub-
12 paragraph (C) that are not obligated or ex-
13 pended by the end of the fourth full fiscal year
14 after the date of the sale or exchange of land that
15 generated the funds may be expended in any
16 State.”;

17 (6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—

18 (A) by inserting after subparagraph (A) the
19 following:

20 “(B) the extent to which the acquisition of
21 the land or interest therein will increase the pub-
22 lic availability of resources for, and facilitate
23 public access to, hunting, fishing, and other rec-
24 reational activities;”; and

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (C) and (D);

3 (7) in section 206(f) (43 U.S.C. 2305(f)), by
4 amending paragraph (2) to read as follows:

5 “(2) any remaining balance in the account shall
6 be deposited in the Treasury and used for deficit re-
7 duction, except that in the case of a fiscal year for
8 which there is no Federal budget deficit, such
9 amounts shall be used to reduce the Federal debt (in
10 such manner as the Secretary of the Treasury con-
11 siders appropriate).”; and

12 (8) in section 207(b) (43 U.S.C. 2306(b))—

13 (A) in paragraph (1)—

14 (i) by striking “96–568” and inserting
15 “96–586”; and

16 (ii) by striking “; or” and inserting a
17 semicolon;

18 (B) in paragraph (2)—

19 (i) by inserting “Public Law 105–
20 263;” before “112 Stat.”; and

21 (ii) by striking the period at the end
22 and inserting a semicolon; and

23 (C) by adding at the end the following:

1 “(3) *the White Pine County Conservation, Recre-*
2 *ation, and Development Act of 2006 (Public Law*
3 *109–432; 120 Stat. 3028);*

4 “(4) *the Lincoln County Conservation, Recre-*
5 *ation, and Development Act of 2004 (Public Law*
6 *108–424; 118 Stat. 2403);*

7 “(5) *subtitle F of title I of the Omnibus Public*
8 *Land Management Act of 2009 (16 U.S.C. 1132 note;*
9 *Public Law 111–11);*

10 “(6) *subtitle O of title I of the Omnibus Public*
11 *Land Management Act of 2009 (16 U.S.C. 460www*
12 *note, 1132 note; Public Law 111–11);*

13 “(7) *section 2601 of the Omnibus Public Land*
14 *Management Act of 2009 (Public Law 111–11; 123*
15 *Stat. 1108); or*

16 “(8) *section 2606 of the Omnibus Public Land*
17 *Management Act of 2009 (Public Law 111–11; 123*
18 *Stat. 1121).”.*

19 ***Subtitle J—African Elephant Con-***
20 ***servation and Legal Ivory Pos-***
21 ***session Act***

22 ***SEC. 2101. SHORT TITLE.***

23 *This subtitle may be cited as the “African Elephant*
24 *Conservation and Legal Ivory Possession Act”.*

1 **SEC. 2102. REFERENCES.**

2 *Except as otherwise specifically provided, whenever in*
3 *this subtitle an amendment or repeal is expressed in terms*
4 *of an amendment to, or repeal of, a provision, the reference*
5 *shall be considered to be made to a provision of the African*
6 *Elephant Conservation Act (16 U.S.C. 4201 et seq.).*

7 **SEC. 2103. PLACEMENT OF UNITED STATES FISH AND WILD-**
8 **LIFE SERVICE LAW ENFORCEMENT OFFICERS**
9 **IN EACH AFRICAN ELEPHANT RANGE COUN-**
10 **TRY.**

11 *Part I (16 U.S.C. 4211 et seq.) is amended by adding*
12 *at the end the following:*

13 **“SEC. 2105. PLACEMENT OF UNITED STATES FISH AND**
14 **WILDLIFE SERVICE LAW ENFORCEMENT OFFI-**
15 **CERS IN EACH AFRICAN ELEPHANT RANGE**
16 **COUNTRY.**

17 *“The Secretary, in coordination with the Secretary of*
18 *State, may station United States Fish and Wildlife Service*
19 *law enforcement officers in the primary United States dip-*
20 *lomatic or consular post in each African country that has*
21 *a significant population of African elephants, who shall as-*
22 *sist local wildlife rangers in the protection of African ele-*
23 *phants and facilitate the apprehension of individuals who*
24 *illegally kill, or assist the illegal killing of, African ele-*
25 *phants.”.*

1 **SEC. 2104. TREATMENT OF ELEPHANT IVORY.**

2 *Section 2203 (16 U.S.C. 4223) is further amended by*
3 *adding at the end the following:*

4 *“(c) TREATMENT OF ELEPHANT IVORY.—Nothing in*
5 *this Act or the Endangered Species Act of 1973 (16 U.S.C.*
6 *1538) shall be construed—*

7 *“(1) to prohibit, or to authorize prohibiting, the*
8 *possession, sale, delivery, receipt, shipment, or trans-*
9 *portation of African elephant ivory, or any product*
10 *containing African elephant ivory, that is in the*
11 *United States because it has been lawfully imported*
12 *or crafted in the United States; or*

13 *“(2) to authorize using any means of deter-*
14 *mining for purposes of this Act or the Endangered*
15 *Species Act of 1973 whether African elephant ivory*
16 *that is present in the United States has been lawfully*
17 *imported, including any presumption or burden of*
18 *proof applied in such determination, other than such*
19 *means used by the Secretary as of February 24,*
20 *2014.”.*

21 **SEC. 2105. AFRICAN ELEPHANT CONSERVATION ACT FINAN-**
22 **CIAL ASSISTANCE PRIORITY AND REAUTHOR-**
23 **IZATION.**

24 *(a) FINANCIAL ASSISTANCE PRIORITY.—Section 2101*
25 *(16 U.S.C. 4211) is amended by redesignating subsections*

1 *(e) and (f) as subsections (f) and (g), respectively, and by*
2 *inserting after subsection (d) the following:*

3 “(e) *PRIORITY.*—*In providing financial assistance*
4 *under this section, the Secretary shall give priority to*
5 *projects designed to facilitate the acquisition of equipment*
6 *and training of wildlife officials in ivory producing coun-*
7 *tries to be used in anti-poaching efforts.”.*

8 “(b) *REAUTHORIZATION.*—*Section 2306(a) (16 U.S.C.*
9 *4245(a)) is amended by striking “2007 through 2012” and*
10 *inserting “2016 through 2020”.*

11 **SEC. 2106. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

12 *Not later than 90 days after the date of the enactment*
13 *of this Act, the Comptroller General of the United States*
14 *shall conduct a study examining the effects of a ban of the*
15 *trade in of fossilized ivory from mammoths and mastodons*
16 *on the illegal importation and trade of African and Asian*
17 *elephant ivory within the United States, with the exception*
18 *of importation or trade thereof related to museum exhibi-*
19 *tions or scientific research, and report to Congress the find-*
20 *ings of such study.*

1 **Subtitle K—Respect for Treaties**
2 **and Rights**

3 **SEC. 2111. RESPECT FOR TREATIES AND RIGHTS.**

4 *Nothing in this Act or the amendments made by this*
5 *Act shall be construed to affect or modify any treaty or*
6 *other right of any federally recognized Indian tribe.*

7 **Subtitle L—State Approval of**
8 **Fishing Restriction**

9 **SEC. 2131. STATE OR TERRITORIAL APPROVAL OF RESTRIC-**
10 **TION OF RECREATIONAL OR COMMERCIAL**
11 **FISHING ACCESS TO CERTAIN STATE OR TER-**
12 **RITORIAL WATERS.**

13 *(a) APPROVAL REQUIRED.—The Secretary of the Inte-*
14 *rior and the Secretary of Commerce shall not restrict rec-*
15 *reational or commercial fishing access to any State or terri-*
16 *torial marine waters or Great Lakes waters within the ju-*
17 *risdiction of the National Park Service or the Office of Na-*
18 *tional Marine Sanctuaries, respectively, unless those restric-*
19 *tions are developed in coordination with, and approved by,*
20 *the fish and wildlife management agency of the State or*
21 *territory that has fisheries management authority over those*
22 *waters.*

23 *(b) DEFINITION.—In this section, the term “marine*
24 *waters” includes coastal waters and estuaries.*

1 **Subtitle M—Hunting and Rec-**
2 **reational Fishing Within Cer-**
3 **tain National Forests**

4 **SEC. 2141. DEFINITIONS.**

5 *In this subtitle:*

6 (1) *HUNTING.*—*The term “hunting” means use*
7 *of a firearm, bow, or other authorized means in the*
8 *lawful pursuit, shooting, capture, collection, trapping,*
9 *or killing of wildlife; attempt to pursue, shoot, cap-*
10 *ture, collect, trap, or kill wildlife; or the training and*
11 *use of hunting dogs, including field trials.*

12 (2) *RECREATIONAL FISHING.*—*The term “rec-*
13 *reational fishing” means the lawful pursuit, capture,*
14 *collection, or killing of fish; or attempt to capture,*
15 *collect, or kill fish.*

16 (3) *FOREST PLAN.*—*The term “forest plan”*
17 *means a land and resource management plan pre-*
18 *pared by the Forest Service for a unit of the National*
19 *Forest System pursuant to section 6 of the Forest and*
20 *Rangeland Renewable Resources Planning Act of*
21 *1974 (16 U.S.C. 1604).*

22 (4) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
23 *tional Forest System” has the meaning given that*
24 *term in section 11(a) of the Forest and Rangeland*

1 (d) *STATE AUTHORITY.*—*Nothing in this section, sec-*
2 *tion 1 of the Act of June 4, 1897 (16 U.S.C. 551), or section*
3 *32 of the Act of July 22, 1937 (7 U.S.C. 1011) shall affect*
4 *the authority of States to manage hunting or recreational*
5 *fishing on lands within the National Forest System.*

6 **SEC. 2143. PUBLICATION OF CLOSURE OF ROADS IN FOR-**
7 **ESTS.**

8 *The Chief of the Forest Service shall publish a notice*
9 *in the Federal Register for the closure of any public road*
10 *on Forest System lands, along with a justification for the*
11 *closure.*

12 ***Subtitle N—Grand Canyon Bison***
13 ***Management Act***

14 **SEC. 2151. SHORT TITLE.**

15 *This subtitle may be cited as the “Grand Canyon*
16 *Bison Management Act”.*

17 **SEC. 2152. DEFINITIONS.**

18 *In this subtitle:*

19 (1) *MANAGEMENT PLAN.*—*The term “manage-*
20 *ment plan” means the management plan published*
21 *under section 2153(a).*

22 (2) *PARK.*—*The term “Park” means the Grand*
23 *Canyon National Park.*

24 (3) *SECRETARY.*—*The term “Secretary” means*
25 *the Secretary of the Interior.*

1 (4) *SKILLED PUBLIC VOLUNTEER.*—*The term*
2 *“skilled public volunteer” means an individual who*
3 *possesses—*

4 (A) *a valid hunting license issued by the*
5 *State of Arizona; and*

6 (B) *such other qualifications as the Sec-*
7 *retary may require, after consultation with the*
8 *Arizona Game and Fish Commission.*

9 **SEC. 2153. BISON MANAGEMENT PLAN FOR GRAND CANYON**
10 **NATIONAL PARK.**

11 (a) *PUBLICATION OF PLAN.*—*Not later than 180 days*
12 *after the date of enactment of this Act, the Secretary shall*
13 *publish a management plan to reduce, through humane le-*
14 *thal culling by skilled public volunteers and by other non-*
15 *lethal means, the population of bison in the Park that the*
16 *Secretary determines are detrimental to the use of the Park.*

17 (b) *REMOVAL OF ANIMAL.*—*Notwithstanding any other*
18 *provision of law, a skilled public volunteer may remove a*
19 *full bison harvested from the Park.*

20 (c) *COORDINATION.*—*The Secretary shall coordinate*
21 *with the Arizona Game and Fish Commission regarding the*
22 *development and implementation of the management plan.*

23 (d) *NEPA COMPLIANCE.*—*In developing the manage-*
24 *ment plan, the Secretary shall comply with all applicable*
25 *Federal environmental laws (including regulations), in-*

1 *cluding the National Environmental Policy Act of 1969 (42*
 2 *U.S.C. 4321 et seq.).*

3 *(e) LIMITATION.—Nothing in this subtitle applies to*
 4 *the taking of wildlife in the Park for any purpose other*
 5 *than the implementation of the management plan.*

6 ***Subtitle O—Open Book on Equal***
 7 ***Access to Justice***

8 ***SEC. 2161. SHORT TITLE.***

9 *This subtitle may be cited as the “Open Book on Equal*
 10 *Access to Justice Act”.*

11 ***SEC. 2162. MODIFICATION OF EQUAL ACCESS TO JUSTICE***
 12 ***PROVISIONS.***

13 *(a) AGENCY PROCEEDINGS.—Section 504 of title 5,*
 14 *United States Code, is amended—*

15 *(1) in subsection (c)(1), by striking “, United*
 16 *States Code”;*

17 *(2) by redesignating subsection (f) as subsection*
 18 *(i); and*

19 *(3) by striking subsection (e) and inserting the*
 20 *following:*

21 *“(e)(1) The Chairman of the Administrative Con-*
 22 *ference of the United States, after consultation with the*
 23 *Chief Counsel for Advocacy of the Small Business Adminis-*
 24 *tration, shall report to the Congress, not later than March*
 25 *31 of each year through the 6th calendar year beginning*

1 *after the initial report under this subsection is submitted,*
2 *on the amount of fees and other expenses awarded during*
3 *the preceding fiscal year pursuant to this section. The re-*
4 *port shall describe the number, nature, and amount of the*
5 *awards, the claims involved in the controversy, and any*
6 *other relevant information that may aid the Congress in*
7 *evaluating the scope and impact of such awards. The report*
8 *shall be made available to the public online.*

9 “(2)(A) *The report required by paragraph (1) shall ac-*
10 *count for all payments of fees and other expenses awarded*
11 *under this section that are made pursuant to a settlement*
12 *agreement, regardless of whether the settlement agreement*
13 *is sealed or otherwise subject to nondisclosure provisions.*

14 “(B) *The disclosure of fees and other expenses required*
15 *under subparagraph (A) does not affect any other informa-*
16 *tion that is subject to nondisclosure provisions in the settle-*
17 *ment agreement.*

18 “(f) *The Chairman of the Administrative Conference*
19 *shall create and maintain, during the period beginning on*
20 *the date the initial report under subsection (e) is submitted*
21 *and ending one year after the date on which the final report*
22 *under that subsection is submitted, online a searchable*
23 *database containing the following information with respect*
24 *to each award of fees and other expenses under this section:*

1 “(1) *The case name and number of the adversary*
2 *adjudication, if available.*

3 “(2) *The name of the agency involved in the ad-*
4 *versary adjudication.*

5 “(3) *A description of the claims in the adversary*
6 *adjudication.*

7 “(4) *The name of each party to whom the award*
8 *was made, as such party is identified in the order or*
9 *other agency document making the award.*

10 “(5) *The amount of the award.*

11 “(6) *The basis for the finding that the position*
12 *of the agency concerned was not substantially justi-*
13 *fied.*

14 “(g) *The online searchable database described in sub-*
15 *section (f) may not reveal any information the disclosure*
16 *of which is prohibited by law or court order.*

17 “(h) *The head of each agency shall provide to the*
18 *Chairman of the Administrative Conference in a timely*
19 *manner all information requested by the Chairman to com-*
20 *ply with the requirements of subsections (e), (f), and (g).”.*

21 (b) *COURT CASES.*—Section 2412(d) of title 28, *United*
22 *States Code, is amended by adding at the end the following:*

23 “(5)(A) *The Chairman of the Administrative Con-*
24 *ference of the United States shall submit to the Congress,*
25 *not later than March 31 of each year through the 6th cal-*

1 *endar year beginning after the initial report under this*
2 *paragraph is submitted, a report on the amount of fees and*
3 *other expenses awarded during the preceding fiscal year*
4 *pursuant to this subsection. The report shall describe the*
5 *number, nature, and amount of the awards, the claims in-*
6 *olved in each controversy, and any other relevant informa-*
7 *tion that may aid the Congress in evaluating the scope and*
8 *impact of such awards. The report shall be made available*
9 *to the public online.*

10 “(B)(i) *The report required by subparagraph (A) shall*
11 *account for all payments of fees and other expenses awarded*
12 *under this subsection that are made pursuant to a settle-*
13 *ment agreement, regardless of whether the settlement agree-*
14 *ment is sealed or otherwise subject to nondisclosure provi-*
15 *sions.*

16 “(ii) *The disclosure of fees and other expenses required*
17 *under clause (i) does not affect any other information that*
18 *is subject to nondisclosure provisions in the settlement*
19 *agreement.*

20 “(C) *The Chairman of the Administrative Conference*
21 *shall include and clearly identify in the annual report*
22 *under subparagraph (A), for each case in which an award*
23 *of fees and other expenses is included in the report—*

24 “(i) *any amounts paid from section 1304 of title*
25 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) The Chairman of the Administrative Conference
6 shall create and maintain, during the period beginning on
7 the date the initial report under paragraph (5) is submitted
8 and ending one year after the date on which the final report
9 under that paragraph is submitted, online a searchable
10 database containing the following information with respect
11 to each award of fees and other expenses under this sub-
12 section:

13 “(A) The case name and number.

14 “(B) The name of the agency involved in the
15 case.

16 “(C) The name of each party to whom the award
17 was made, as such party is identified in the order or
18 other court document making the award.

19 “(D) A description of the claims in the case.

20 “(E) The amount of the award.

21 “(F) The basis for the finding that the position
22 of the agency concerned was not substantially justi-
23 fied.

1 “(7) *The online searchable database described in para-*
2 *graph (6) may not reveal any information the disclosure*
3 *of which is prohibited by law or court order.*

4 “(8) *The head of each agency (including the Attorney*
5 *General of the United States) shall provide to the Chairman*
6 *of the Administrative Conference of the United States in*
7 *a timely manner all information requested by the Chair-*
8 *man to comply with the requirements of paragraphs (5),*
9 *(6), and (7).”.*

10 (c) *CLERICAL AMENDMENTS.—Section 2412 of title 28,*
11 *United States Code, is amended—*

12 (1) *in subsection (d)(3), by striking “United*
13 *States Code,”; and*

14 (2) *in subsection (e)—*

15 (A) *by striking “of section 2412 of title 28,*
16 *United States Code,” and inserting “of this sec-*
17 *tion”;* and

18 (B) *by striking “of such title” and inserting*
19 *“of this title”.*

20 (d) *EFFECTIVE DATE.—*

21 (1) *IN GENERAL.—The amendments made by*
22 *subsections (a) and (b) shall first apply with respect*
23 *to awards of fees and other expenses that are made on*
24 *or after the date of the enactment of this Act.*

1 (2) *INITIAL REPORTS.*—*The first reports required*
2 *by section 504(e) of title 5, United States Code, and*
3 *section 2412(d)(5) of title 28, United States Code,*
4 *shall be submitted not later than March 31 of the cal-*
5 *endar year following the first calendar year in which*
6 *a fiscal year begins after the date of the enactment of*
7 *this Act.*

8 (3) *ONLINE DATABASES.*—*The online databases*
9 *required by section 504(f) of title 5, United States*
10 *Code, and section 2412(d)(6) of title 28, United States*
11 *Code, shall be established as soon as practicable after*
12 *the date of the enactment of this Act, but in no case*
13 *later than the date on which the first reports under*
14 *section 504(e) of title 5, United States Code, and sec-*
15 *tion 2412(d)(5) of title 28, United States Code, are*
16 *required to be submitted under paragraph (2) of this*
17 *subsection.*

18 ***Subtitle P—Utility Terrain Vehicles***

19 ***SEC. 2171. UTILITY TERRAIN VEHICLES IN KISATCHIE NA-*** 20 ***TIONAL FOREST.***

21 (a) *IN GENERAL.*—*The Forest Administrator shall*
22 *amend the applicable travel plan to allow utility terrain*
23 *vehicles access on all roads nominated by the Secretary of*
24 *Louisiana Wildlife and Fisheries in the Kisatchie National*
25 *Forest, except when such designation would pose an unac-*

1 *ceptable safety risk, in which case the Forest Administrator*
2 *shall publish a notice in the Federal Register with a jus-*
3 *tification for the closure.*

4 *(b) UTILITY TERRAIN VEHICLES DEFINED.—For pur-*
5 *poses of this section, the term “utility terrain vehicle”—*

6 *(1) means any recreational motor vehicle de-*
7 *signed for and capable of travel over designated roads,*
8 *traveling on four or more tires with a maximum tire*
9 *width of 27 inches, a maximum wheel cleat or lug of*
10 *$\frac{3}{4}$ of an inch, a minimum width of 50 inches but not*
11 *exceeding 74 inches, a minimum weight of at least*
12 *700 pounds but not exceeding 2,000 pounds, and a*
13 *minimum wheelbase of 61 inches but not exceeding*
14 *110 inches;*

15 *(2) includes vehicles not equipped with a certifi-*
16 *cation label as required by part 567.4 of title 49,*
17 *Code of Federal Regulations; and*

18 *(3) does not include golf carts, vehicles specially*
19 *designed to carry a disabled person, or vehicles other-*
20 *wise registered under section 32.299 of the Louisiana*
21 *State statutes.*

1 **Subtitle Q—Good Samaritan**
2 **Search and Recovery**

3 **SEC. 2181. SHORT TITLE.**

4 *This subtitle may be cited as the “Good Samaritan*
5 *Search and Recovery Act”.*

6 **SEC. 2182. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *ELIGIBLE.—The term “eligible”, with respect*
9 *to an organization or individual, means that the or-*
10 *ganization or individual, respectively, is—*

11 (A) *acting in a not-for-profit capacity; and*

12 (B) *composed entirely of members who, at*
13 *the time of the good Samaritan search-and-recov-*
14 *ery mission, have attained the age of majority*
15 *under the law of the State where the mission*
16 *takes place.*

17 (2) *GOOD SAMARITAN SEARCH-AND-RECOVERY*
18 *MISSION.—The term “good Samaritan search-and-re-*
19 *covery mission” means a search conducted by an eli-*
20 *gible organization or individual for 1 or more miss-*
21 *ing individuals believed to be deceased at the time*
22 *that the search is initiated.*

23 (3) *SECRETARY.—The term “Secretary” means*
24 *the Secretary of the Interior or the Secretary of Agri-*
25 *culture, as applicable.*

1 **(b) PROCESS.**—

2 **(1) IN GENERAL.**—*Each Secretary shall develop*
3 *and implement a process to expedite access to Federal*
4 *land under the administrative jurisdiction of the Sec-*
5 *retary for eligible organizations and individuals to*
6 *request access to Federal land to conduct good Samar-*
7 *itan search-and-recovery missions.*

8 **(2) INCLUSIONS.**—*The process developed and im-*
9 *plemented under this subsection shall include provi-*
10 *sions to clarify that—*

11 **(A)** *an eligible organization or individual*
12 *granted access under this section—*

13 **(i)** *shall be acting for private purposes;*

14 *and*

15 **(ii)** *shall not be considered to be a Fed-*
16 *eral volunteer;*

17 **(B)** *an eligible organization or individual*
18 *conducting a good Samaritan search-and-recov-*
19 *ery mission under this section shall not be con-*
20 *sidered to be a volunteer under section 102301(c)*
21 *of title 54, United States Code;*

22 **(C)** *chapter 171 of title 28, United States*
23 *Code (commonly known as the “Federal Tort*
24 *Claims Act”), shall not apply to an eligible orga-*
25 *nization or individual carrying out a privately*

1 *requested good Samaritan search-and-recovery*
2 *mission under this section; and*

3 *(D) an eligible organization or entity who*
4 *conducts a good Samaritan search-and-recovery*
5 *mission under this section shall serve without*
6 *pay from the Federal Government for such serv-*
7 *ice.*

8 *(c) RELEASE OF FEDERAL GOVERNMENT FROM LI-*
9 *ABILITY.—The Secretary shall not require an eligible orga-*
10 *nization or individual to have liability insurance as a con-*
11 *dition of accessing Federal land under this section, if the*
12 *eligible organization or individual—*

13 *(1) acknowledges and consents, in writing, to the*
14 *provisions described in subparagraphs (A) through*
15 *(D) of subsection (b)(2); and*

16 *(2) signs a waiver releasing the Federal Govern-*
17 *ment from all liability relating to the access granted*
18 *under this section and agrees to indemnify and hold*
19 *harmless the United States from any claims or law-*
20 *suits arising from any conduct by the eligible organi-*
21 *zation or individual on Federal land.*

22 *(d) APPROVAL AND DENIAL OF REQUESTS.—*

23 *(1) IN GENERAL.—The Secretary shall notify an*
24 *eligible organization or individual of the approval or*
25 *denial of a request by the eligible organization or in-*

1 *dividual to carry out a good Samaritan search-and-*
2 *recovery mission under this section by not later than*
3 *48 hours after the request is made.*

4 (2) *DENIALS.—If the Secretary denies a request*
5 *from an eligible organization or individual to carry*
6 *out a good Samaritan search-and-recovery mission*
7 *under this section, the Secretary shall notify the eligi-*
8 *ble organization or individual of—*

9 (A) *the reason for the denial of the request;*
10 *and*

11 (B) *any actions that the eligible organiza-*
12 *tion or individual can take to meet the require-*
13 *ments for the request to be approved.*

14 (e) *PARTNERSHIPS.—Each Secretary shall develop*
15 *search-and-recovery-focused partnerships with search-and-*
16 *recovery organizations—*

17 (1) *to coordinate good Samaritan search-and-re-*
18 *covery missions on Federal land under the adminis-*
19 *trative jurisdiction of the Secretary; and*

20 (2) *to expedite and accelerate good Samaritan*
21 *search-and-recovery mission efforts for missing indi-*
22 *viduals on Federal land under the administrative ju-*
23 *risdiction of the Secretary.*

1 (f) *REPORT.*—Not later than 180 days after the date
2 of enactment of this Act, the Secretaries shall submit to
3 Congress a joint report describing—

4 (1) plans to develop partnerships described in
5 subsection (e)(1); and

6 (2) efforts carried out to expedite and accelerate
7 good Samaritan search-and-recovery mission efforts
8 for missing individuals on Federal land under the ad-
9 ministrative jurisdiction of each Secretary pursuant
10 to subsection (e)(2).

11 **Subtitle R—Interstate Transpor-**
12 **tation of Firearms or Ammuni-**
13 **tion**

14 **SEC. 2191. INTERSTATE TRANSPORTATION OF FIREARMS**
15 **OR AMMUNITION.**

16 (a) *IN GENERAL.*—Section 926A of title 18, United
17 States Code, is amended to read as follows:

18 **“§926A. Interstate transportation of firearms or am-**
19 **munition**

20 “(a) Notwithstanding any provision of any law, rule,
21 or regulation of a State or any political subdivision thereof:

22 “(1) A person who is not prohibited by this
23 chapter from possessing, transporting, shipping, or
24 receiving a firearm or ammunition shall be entitled
25 to transport a firearm for any lawful purpose from

1 *any place where the person may lawfully possess,*
2 *carry, or transport the firearm to any other such*
3 *place if, during the transportation, the firearm is un-*
4 *loaded, and—*

5 *“(A) if the transportation is by motor vehi-*
6 *cle, the firearm is not directly accessible from the*
7 *passenger compartment of the vehicle, and, if the*
8 *vehicle is without a compartment separate from*
9 *the passenger compartment, the firearm is in a*
10 *locked container other than the glove compart-*
11 *ment or console, or is secured by a secure gun*
12 *storage or safety device; or*

13 *“(B) if the transportation is by other*
14 *means, the firearm is in a locked container or se-*
15 *cured by a secure gun storage or safety device.*

16 *“(2) A person who is not prohibited by this*
17 *chapter from possessing, transporting, shipping, or*
18 *receiving a firearm or ammunition shall be entitled*
19 *to transport ammunition for any lawful purpose from*
20 *any place where the person may lawfully possess,*
21 *carry, or transport the ammunition, to any other*
22 *such place if, during the transportation, the ammuni-*
23 *tion is not loaded into a firearm, and—*

24 *“(A) if the transportation is by motor vehi-*
25 *cle, the ammunition is not directly accessible*

1 *from the passenger compartment of the vehicle,*
2 *and, if the vehicle is without a compartment sep-*
3 *arate from the passenger compartment, the am-*
4 *munition is in a locked container other than the*
5 *glove compartment or console; or*

6 *“(B) if the transportation is by other*
7 *means, the ammunition is in a locked container.*

8 *“(b) In subsection (a), the term ‘transport’ includes*
9 *staying in temporary lodging overnight, stopping for food,*
10 *fuel, vehicle maintenance, an emergency, medical treatment,*
11 *and any other activity incidental to the transport, but does*
12 *not include transportation—*

13 *“(1) with the intent to commit a crime punish-*
14 *able by imprisonment for a term exceeding one year*
15 *that involves the use or threatened use of force against*
16 *another; or*

17 *“(2) with knowledge, or reasonable cause to be-*
18 *lieve, that such a crime is to be committed in the*
19 *course of, or arising from, the transportation.*

20 *“(c)(1) A person who is transporting a firearm or am-*
21 *munition may not be arrested or otherwise detained for vio-*
22 *lation of any law or any rule or regulation of a State or*
23 *any political subdivision thereof related to the possession,*
24 *transportation, or carrying of firearms, unless there is*

1 *probable cause to believe that the person is doing so in a*
2 *manner not provided for in subsection (a).*

3 “(2) *When a person asserts this section as a defense*
4 *in a criminal proceeding, the prosecution shall bear the bur-*
5 *den of proving, beyond a reasonable doubt, that the conduct*
6 *of the person did not satisfy the conditions set forth in sub-*
7 *section (a).*

8 “(3) *When a person successfully asserts this section as*
9 *a defense in a criminal proceeding, the court shall award*
10 *the prevailing defendant a reasonable attorney’s fee.*

11 “(d)(1) *A person who is deprived of any right, privi-*
12 *lege, or immunity secured by this section, section 926B or*
13 *926C, under color of any statute, ordinance, regulation, cus-*
14 *tom, or usage of any State or any political subdivision*
15 *thereof, may bring an action in any appropriate court*
16 *against any other person, including a State or political sub-*
17 *division thereof, who causes the person to be subject to the*
18 *deprivation, for damages and other appropriate relief.*

19 “(2) *The court shall award a plaintiff prevailing in*
20 *an action brought under paragraph (1) damages and such*
21 *other relief as the court deems appropriate, including a rea-*
22 *sonable attorney’s fee.”.*

23 (b) *CLERICAL AMENDMENT.—The table of sections for*
24 *such chapter is amended in the item relating to section*

1 926A by striking “firearms” and inserting “firearms or
2 ammunition”.

3 **Subtitle S—Gray Wolves**

4 **SEC. 2201. REISSUANCE OF FINAL RULE REGARDING GRAY**
5 **WOLVES IN THE WESTERN GREAT LAKES.**

6 *Before the end of the 60-day period beginning on the*
7 *date of enactment of this Act, the Secretary of the Interior*
8 *shall reissue the final rule published on December 28, 2011*
9 *(76 Fed. Reg. 81666), without regard to any other provision*
10 *of statute or regulation that applies to issuance of such rule.*
11 *Such reissuance shall not be subject to judicial review.*

12 **SEC. 2202. REISSUANCE OF FINAL RULE REGARDING GRAY**
13 **WOLVES IN WYOMING.**

14 *Before the end of the 60-day period beginning on the*
15 *date of enactment of this Act, the Secretary of the Interior*
16 *shall reissue the final rule published on September 10, 2012*
17 *(77 Fed. Reg. 55530), without regard to any other provision*
18 *of statute or regulation that applies to issuance of such rule.*
19 *Such reissuance shall not be subject to judicial review.*

20 **Subtitle T—Miscellaneous**
21 **Provisions**

22 **SEC. 2211. PROHIBITION ON ISSUANCE OF FINAL RULE.**

23 *The Director of the United States Fish and Wildlife*
24 *Service shall not issue a final rule that—*

1 (1) succeeds the proposed rule entitled “Non-Sub-
2 sistence Take of Wildlife, and Public Participation
3 and Closure Procedures, on National Wildlife Refuges
4 in Alaska” (81 Fed. Reg. 887 (January 8, 2016)); or
5 (2) is substantially similar to that proposed rule.

6 **SEC. 2212. WITHDRAWAL OF EXISTING RULE REGARDING**
7 **HUNTING AND TRAPPING IN ALASKA.**

8 The Director of the National Park Service shall with-
9 draw the final rule entitled “Alaska; Hunting and Trap-
10 ping in National Preserves” (80 Fed. Reg. 64325 (October
11 23, 2015)) by not later than 30 days after the date of the
12 enactment of this Act, and shall not issue a rule that is
13 substantially similar to that rule.

14 **TITLE III—NATIONAL STRATEGIC**
15 **AND CRITICAL MINERALS**
16 **PRODUCTION ACT**

17 **SEC. 3001. SHORT TITLE.**

18 This title may be cited as the “National Strategic and
19 Critical Minerals Production Act of 2015”.

20 **SEC. 3002. FINDINGS.**

21 Congress finds the following:

22 (1) The industrialization of developing nations
23 has driven demand for nonfuel minerals necessary for
24 telecommunications, military technologies, healthcare

1 *technologies, and conventional and renewable energy*
2 *technologies.*

3 (2) *The availability of minerals and mineral*
4 *materials are essential for economic growth, national*
5 *security, technological innovation, and the manufac-*
6 *turing and agricultural supply chain.*

7 (3) *The exploration, production, processing, use,*
8 *and recycling of minerals contribute significantly to*
9 *the economic well-being, security, and general welfare*
10 *of the Nation.*

11 (4) *The United States has vast mineral re-*
12 *sources, but is becoming increasingly dependent upon*
13 *foreign sources of these mineral materials, as dem-*
14 *onstrated by the following:*

15 (A) *Twenty-five years ago the United States*
16 *was dependent on foreign sources for 45 nonfuel*
17 *mineral materials, 8 of which the United States*
18 *imported 100 percent of the Nation's require-*
19 *ments, and for another 19 commodities the*
20 *United States imported more than 50 percent of*
21 *the Nation's needs.*

22 (B) *By 2014 the United States import de-*
23 *pendence for nonfuel mineral materials increased*
24 *from 45 to 65 commodities, 19 of which the*
25 *United States imported for 100 percent of the*

1 *Nation's requirements, and an additional 24 of*
2 *which the United States imported for more than*
3 *50 percent of the Nation's needs.*

4 *(C) The United States share of worldwide*
5 *mineral exploration dollars was 7 percent in*
6 *2014, down from 19 percent in the early 1990s.*

7 *(D) In the 2014 Ranking of Countries for*
8 *Mining Investment (out of 25 major mining*
9 *countries), found that 7- to 10-year permitting*
10 *delays are the most significant risk to mining*
11 *projects in the United States.*

12 **SEC. 3003. DEFINITIONS.**

13 *In this title:*

14 *(1) STRATEGIC AND CRITICAL MINERALS.—The*
15 *term “strategic and critical minerals” means min-*
16 *erals that are necessary—*

17 *(A) for national defense and national secu-*
18 *rity requirements;*

19 *(B) for the Nation's energy infrastructure,*
20 *including pipelines, refining capacity, electrical*
21 *power generation and transmission, and renew-*
22 *able energy production;*

23 *(C) to support domestic manufacturing, ag-*
24 *riculture, housing, telecommunications,*
25 *healthcare, and transportation infrastructure; or*

1 (D) for the Nation’s economic security and
2 balance of trade.

3 (2) AGENCY.—The term “agency” means any
4 agency, department, or other unit of Federal, State,
5 local, or tribal government, or Alaska Native Cor-
6 poration.

7 (3) MINERAL EXPLORATION OR MINE PERMIT.—
8 The term “mineral exploration or mine permit” in-
9 cludes—

10 (A) Bureau of Land Management and For-
11 est Service authorizations for pre-mining activi-
12 ties that require environmental analyses pursu-
13 ant to the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 *et seq.*); and

15 (B) plans of operation issued by the Bureau
16 of Land Management and the Forest Service
17 pursuant to 43 CFR 3809 and 36 CFR 228A or
18 the authorities listed in 43 CFR 3503.13, respec-
19 tively, as amended from time to time.

1 ***Subtitle A—Development of Domes-***
2 ***tic Sources of Strategic and Crit-***
3 ***ical Minerals***

4 **SEC. 3011. IMPROVING DEVELOPMENT OF STRATEGIC AND**
5 **CRITICAL MINERALS.**

6 *Domestic mines that will provide strategic and critical*
7 *minerals shall be considered an “infrastructure project” as*
8 *described in Presidential order “Improving Performance of*
9 *Federal Permitting and Review of Infrastructure Projects”*
10 *dated March 22, 2012.*

11 **SEC. 3012. RESPONSIBILITIES OF THE LEAD AGENCY.**

12 *(a) IN GENERAL.—The lead agency with responsibility*
13 *for issuing a mineral exploration or mine permit shall ap-*
14 *point a project lead within the lead agency who shall co-*
15 *ordinate and consult with cooperating agencies and any*
16 *other agency involved in the permitting process, project pro-*
17 *ponents and contractors to ensure that agencies minimize*
18 *delays, set and adhere to timelines and schedules for comple-*
19 *tion of the permitting process, set clear permitting goals*
20 *and track progress against those goals.*

21 *(b) DETERMINATION UNDER NEPA.—*

22 *(1) IN GENERAL.—To the extent that the Na-*
23 *tional Environmental Policy Act of 1969 (42 U.S.C.*
24 *4321 et seq.) applies to the issuance of any mineral*
25 *exploration or mine permit, the requirements of such*

1 *Act shall be deemed to have been procedurally and*
2 *substantively satisfied if the lead agency determines*
3 *that any State and/or Federal agency acting pursu-*
4 *ant to State or Federal (or both) statutory or proce-*
5 *dural authorities, has addressed or will address the*
6 *following factors:*

7 *(A) The environmental impact of the action*
8 *to be conducted under the permit.*

9 *(B) Possible adverse environmental effects of*
10 *actions under the permit.*

11 *(C) Possible alternatives to issuance of the*
12 *permit.*

13 *(D) The relationship between local long-*
14 *and short-term uses of man's environment and*
15 *the maintenance and enhancement of long-term*
16 *productivity.*

17 *(E) Any irreversible and irretrievable com-*
18 *mitment of resources that would be involved in*
19 *the proposed action.*

20 *(F) That public participation will occur*
21 *during the decisionmaking process for author-*
22 *izing actions under the permit.*

23 *(2) WRITTEN REQUIREMENT.—In reaching a de-*
24 *termination under paragraph (1), the lead agency*
25 *shall, by no later than 90 days after receipt of an ap-*

1 *plication for the permit, in a written record of deci-*
2 *sion—*

3 *(A) explain the rationale used in reaching*
4 *its determination;*

5 *(B) state the facts in the record that are the*
6 *basis for the determination; and*

7 *(C) show that the facts in the record could*
8 *allow a reasonable person to reach the same de-*
9 *termination as the lead agency did.*

10 *(c) COORDINATION ON PERMITTING PROCESS.—The*
11 *lead agency with responsibility for issuing a mineral explo-*
12 *ration or mine permit shall enhance government coordina-*
13 *tion for the permitting process by avoiding duplicative re-*
14 *views, minimizing paperwork, and engaging other agencies*
15 *and stakeholders early in the process. For purposes of this*
16 *subsection, the lead agency shall consider the following*
17 *practices:*

18 *(1) Deferring to and relying upon baseline data,*
19 *analyses and reviews performed by State agencies*
20 *with jurisdiction over the proposed project.*

21 *(2) Conducting any consultations or reviews con-*
22 *currently rather than sequentially to the extent prac-*
23 *ticable and when such concurrent review will expedite*
24 *rather than delay a decision.*

1 (d) *MEMORANDUM OF AGENCY AGREEMENT.*—If re-
2 quested at any time by a State or local planning agency,
3 the lead agency with responsibility for issuing a mineral
4 exploration or mine permit, in consultation with other Fed-
5 eral agencies with relevant jurisdiction in the environ-
6 mental review process, may establish memoranda of agree-
7 ment with the project sponsor, State and local governments,
8 and other appropriate entities to accomplish the early co-
9 ordination activities described in subsection (c).

10 (e) *SCHEDULE FOR PERMITTING PROCESS.*—For any
11 project for which the lead agency cannot make the deter-
12 mination described in 102(b), at the request of a project
13 proponent the lead agency, cooperating agencies, and any
14 other agencies involved with the mineral exploration or
15 mine permitting process shall enter into an agreement with
16 the project proponent that sets time limits for each part
17 of the permitting process, including for the following:

18 (1) *The decision on whether to prepare a docu-*
19 *ment required under the National Environmental*
20 *Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

21 (2) *A determination of the scope of any docu-*
22 *ment required under the National Environmental*
23 *Policy Act of 1969.*

24 (3) *The scope of and schedule for the baseline*
25 *studies required to prepare a document required*

1 *under the National Environmental Policy Act of*
2 *1969.*

3 (4) *Preparation of any draft document required*
4 *under the National Environmental Policy Act of*
5 *1969.*

6 (5) *Preparation of a final document required*
7 *under the National Environmental Policy Act of*
8 *1969.*

9 (6) *Consultations required under applicable*
10 *laws.*

11 (7) *Submission and review of any comments re-*
12 *quired under applicable law.*

13 (8) *Publication of any public notices required*
14 *under applicable law.*

15 (9) *A final or any interim decisions.*

16 (f) *TIME LIMIT FOR PERMITTING PROCESS.—In no*
17 *case should the total review process described in subsection*
18 *(d) exceed 30 months unless extended by the signatories of*
19 *the agreement.*

20 (g) *LIMITATION ON ADDRESSING PUBLIC COM-*
21 *MENTS.—The lead agency is not required to address agency*
22 *or public comments that were not submitted during any*
23 *public comment periods or consultation periods provided*
24 *during the permitting process or as otherwise required by*
25 *law.*

1 (h) *FINANCIAL ASSURANCE.*—*The lead agency will de-*
2 *termine the amount of financial assurance for reclamation*
3 *of a mineral exploration or mining site, which must cover*
4 *the estimated cost if the lead agency were to contract with*
5 *a third party to reclaim the operations according to the*
6 *reclamation plan, including construction and maintenance*
7 *costs for any treatment facilities necessary to meet Federal,*
8 *State or tribal environmental standards.*

9 (i) *APPLICATION TO EXISTING PERMIT APPLICA-*
10 *TIONS.*—*This section shall apply with respect to a mineral*
11 *exploration or mine permit for which an application was*
12 *submitted before the date of the enactment of this Act if*
13 *the applicant for the permit submits a written request to*
14 *the lead agency for the permit. The lead agency shall begin*
15 *implementing this section with respect to such application*
16 *within 30 days after receiving such written request.*

17 (j) *STRATEGIC AND CRITICAL MINERALS WITHIN NA-*
18 *TIONAL FORESTS.*—*With respect to strategic and critical*
19 *minerals within a federally administered unit of the Na-*
20 *tional Forest System, the lead agency shall—*

21 (1) *exempt all areas of identified mineral re-*
22 *sources in Land Use Designations, other than Non-*
23 *Development Land Use Designations, in existence as*
24 *of the date of the enactment of this Act from the pro-*

1 *cedures detailed at and all rules promulgated under*
 2 *part 294 of title 36, Code of Federal Regulations;*

3 *(2) apply such exemption to all additional routes*
 4 *and areas that the lead agency finds necessary to fa-*
 5 *cilitate the construction, operation, maintenance, and*
 6 *restoration of the areas of identified mineral resources*
 7 *described in paragraph (1); and*

8 *(3) continue to apply such exemptions after ap-*
 9 *proval of the Minerals Plan of Operations for the unit*
 10 *of the National Forest System.*

11 **SEC. 3013. CONSERVATION OF THE RESOURCE.**

12 *In evaluating and issuing any mineral exploration or*
 13 *mine permit, the priority of the lead agency shall be to*
 14 *maximize the development of the mineral resource, while*
 15 *mitigating environmental impacts, so that more of the min-*
 16 *eral resource can be brought to the marketplace.*

17 **SEC. 3014. FEDERAL REGISTER PROCESS FOR MINERAL EX-**
 18 **PLORATION AND MINING PROJECTS.**

19 *(a) PREPARATION OF FEDERAL NOTICES FOR MIN-*
 20 *ERAL EXPLORATION AND MINE DEVELOPMENT*
 21 *PROJECTS.—The preparation of Federal Register notices*
 22 *required by law associated with the issuance of a mineral*
 23 *exploration or mine permit shall be delegated to the organi-*
 24 *zation level within the agency responsible for issuing the*
 25 *mineral exploration or mine permit. All Federal Register*

1 notices regarding official document availability, announce-
2 ments of meetings, or notices of intent to undertake an ac-
3 tion shall be originated and transmitted to the Federal Reg-
4 ister from the office where documents are held, meetings are
5 held, or the activity is initiated.

6 (b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER
7 NOTICES FOR MINERAL EXPLORATION AND MINING
8 PROJECTS.—Absent any extraordinary circumstance or ex-
9 cept as otherwise required by any Act of Congress, each Fed-
10 eral Register notice described in subsection (a) shall under-
11 go any required reviews within the Department of the Inte-
12 rior or the Department of Agriculture and be published in
13 its final form in the Federal Register no later than 30 days
14 after its initial preparation.

15 **Subtitle B—Judicial Review of**
16 **Agency Actions Relating to Ex-**
17 **ploration and Mine Permits**

18 **SEC. 3021. DEFINITIONS FOR TITLE.**

19 In this subtitle the term “covered civil action” means
20 a civil action against the Federal Government containing
21 a claim under section 702 of title 5, United States Code,
22 regarding agency action affecting a mineral exploration or
23 mine permit.

1 **SEC. 3022. TIMELY FILINGS.**

2 *A covered civil action is barred unless filed no later*
3 *than the end of the 60-day period beginning on the date*
4 *of the final Federal agency action to which it relates.*

5 **SEC. 3023. RIGHT TO INTERVENE.**

6 *The holder of any mineral exploration or mine permit*
7 *may intervene as of right in any covered civil action by*
8 *a person affecting rights or obligations of the permit holder*
9 *under the permit.*

10 **SEC. 3024. EXPEDITION IN HEARING AND DETERMINING**
11 **THE ACTION.**

12 *The court shall endeavor to hear and determine any*
13 *covered civil action as expeditiously as possible.*

14 **SEC. 3025. LIMITATION ON PROSPECTIVE RELIEF.**

15 *In a covered civil action, the court shall not grant or*
16 *approve any prospective relief unless the court finds that*
17 *such relief is narrowly drawn, extends no further than nec-*
18 *essary to correct the violation of a legal requirement, and*
19 *is the least intrusive means necessary to correct that viola-*
20 *tion.*

21 **SEC. 3026. LIMITATION ON ATTORNEYS' FEES.**

22 *Section 504 of title 5, United States Code, and section*
23 *2412 of title 28, United States Code (together commonly*
24 *called the Equal Access to Justice Act) do not apply to a*
25 *covered civil action, nor shall any party in such a covered*

1 *civil action receive payment from the Federal Government*
 2 *for their attorneys' fees, expenses, and other court costs.*

3 ***Subtitle C—Miscellaneous***
 4 ***Provisions***

5 ***SEC. 3031. SECRETARIAL ORDER NOT AFFECTED.***

6 *This title shall not apply to any mineral described in*
 7 *Secretarial Order No. 3324, issued by the Secretary of the*
 8 *Interior on December 3, 2012, in any area to which the*
 9 *order applies.*

10 ***TITLE IV—NATIVE AMERICAN***
 11 ***ENERGY ACT***

12 ***SEC. 4001. SHORT TITLE.***

13 *This title may be cited as the “Native American En-*
 14 *ergy Act”.*

15 ***SEC. 4002. APPRAISALS.***

16 *(a) AMENDMENT.—Title XXVI of the Energy Policy*
 17 *Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding*
 18 *at the end the following:*

19 ***“SEC. 2607. APPRAISAL REFORMS.***

20 *“(a) OPTIONS TO INDIAN TRIBES.—With respect to a*
 21 *transaction involving Indian land or the trust assets of an*
 22 *Indian tribe that requires the approval of the Secretary,*
 23 *any appraisal relating to fair market value required to be*
 24 *conducted under applicable law, regulation, or policy may*
 25 *be completed by—*

1 “(1) *the Secretary;*

2 “(2) *the affected Indian tribe; or*

3 “(3) *a certified, third-party appraiser pursuant*
4 *to a contract with the Indian tribe.*

5 “(b) *TIME LIMIT ON SECRETARIAL REVIEW AND AC-*
6 *TION.—Not later than 30 days after the date on which the*
7 *Secretary receives an appraisal conducted by or for an In-*
8 *dian tribe pursuant to paragraphs (2) or (3) of subsection*
9 *(a), the Secretary shall—*

10 “(1) *review the appraisal; and*

11 “(2) *provide to the Indian tribe a written notice*
12 *of approval or disapproval of the appraisal.*

13 “(c) *FAILURE OF SECRETARY TO APPROVE OR DIS-*
14 *APPROVE.—If, after 60 days, the Secretary has failed to ap-*
15 *prove or disapprove any appraisal received, the appraisal*
16 *shall be deemed approved.*

17 “(d) *OPTION TO INDIAN TRIBES TO WAIVE AP-*
18 *PRAISAL.—*

19 “(1) *An Indian tribe wishing to waive the re-*
20 *quirements of subsection (a), may do so after it has*
21 *satisfied the requirements of paragraphs (2) and (3).*

22 “(2) *An Indian tribe wishing to forego the neces-*
23 *sity of a waiver pursuant to this section must provide*
24 *to the Secretary a written resolution, statement, or*

1 *other unambiguous indication of tribal intent, duly*
2 *approved by the governing body of the Indian tribe.*

3 “(3) *The unambiguous indication of intent pro-*
4 *vided by the Indian tribe to the Secretary under*
5 *paragraph (2) must include an express waiver by the*
6 *Indian tribe of any claims for damages it might have*
7 *against the United States as a result of the lack of an*
8 *appraisal undertaken.*

9 “(e) *DEFINITION.—For purposes of this subsection, the*
10 *term ‘appraisal’ includes appraisals and other estimates of*
11 *value.*

12 “(f) *REGULATIONS.—The Secretary shall develop regu-*
13 *lations for implementing this section, including standards*
14 *the Secretary shall use for approving or disapproving an*
15 *appraisal.”.*

16 (b) *CONFORMING AMENDMENT.—The table of contents*
17 *of the Energy Policy Act of 1992 (42 U.S.C. 13201 note)*
18 *is amended by adding at the end of the items relating to*
19 *title XXVI the following:*

 “*Sec. 2607. Appraisal reforms.*”.

20 **SEC. 4003. STANDARDIZATION.**

21 *As soon as practicable after the date of the enactment*
22 *of this Act, the Secretary of the Interior shall implement*
23 *procedures to ensure that each agency within the Depart-*
24 *ment of the Interior that is involved in the review, ap-*
25 *proval, and oversight of oil and gas activities on Indian*

1 *lands shall use a uniform system of reference numbers and*
2 *tracking systems for oil and gas wells.*

3 **SEC. 4004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
4 **ACTIONS ON INDIAN LANDS.**

5 *Section 102 of the National Environmental Policy Act*
6 *of 1969 (42 U.S.C. 4332) is amended by inserting “(a) IN*
7 *GENERAL.—” before the first sentence, and by adding at*
8 *the end the following:*

9 *“(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN*
10 *LANDS.—*

11 *“(1) REVIEW AND COMMENT.—*

12 *“(A) IN GENERAL.—Except as provided in*
13 *subparagraph (B), the statement required under*
14 *subsection (a)(2)(C) for a major Federal action*
15 *regarding an activity on Indian lands of an In-*
16 *Indian tribe shall only be available for review and*
17 *comment by the members of the Indian tribe,*
18 *other individuals residing within the affected*
19 *area, and State, federally recognized tribal, and*
20 *local governments within the affected area.*

21 *“(B) EXCEPTION.—Subparagraph (A) shall*
22 *not apply to a statement for a major Federal ac-*
23 *tion regarding an activity on Indian lands of an*
24 *Indian tribe related to gaming under the Indian*
25 *Gaming Regulatory Act.*

1 “(2) *REGULATIONS.*—*The Chairman of the*
2 *Council on Environmental Quality shall develop reg-*
3 *ulations to implement this section, including descrip-*
4 *tions of affected areas for specific major Federal ac-*
5 *tions, in consultation with Indian tribes.*”

6 “(3) *DEFINITIONS.*—*In this subsection, each of*
7 *the terms ‘Indian land’ and ‘Indian tribe’ has the*
8 *meaning given that term in section 2601 of the En-*
9 *ergy Policy Act of 1992 (25 U.S.C. 3501).*”

10 “(4) *CLARIFICATION OF AUTHORITY.*—*Nothing*
11 *in the Native American Energy Act, except section 6*
12 *of that Act, shall give the Secretary any additional*
13 *authority over energy projects on Alaska Native*
14 *Claims Settlement Act lands.”.*”

15 **SEC. 4005. JUDICIAL REVIEW.**

16 (a) *TIME FOR FILING COMPLAINT.*—*Any energy re-*
17 *lated action must be filed not later than the end of the 60-*
18 *day period beginning on the date of the final agency action.*
19 *Any energy related action not filed within this time period*
20 *shall be barred.*

21 (b) *DISTRICT COURT VENUE AND DEADLINE.*—*All en-*
22 *ergy related actions—*

23 (1) *shall be brought in the United States District*
24 *Court for the District of Columbia; and*

1 (2) *shall be resolved as expeditiously as possible,*
2 *and in any event not more than 180 days after such*
3 *cause of action is filed.*

4 (c) *APPELLATE REVIEW.*—*An interlocutory order or*
5 *final judgment, decree or order of the district court in an*
6 *energy related action may be reviewed by the United States*
7 *Court of Appeals for the District of Columbia Circuit. The*
8 *District of Columbia Circuit Court of Appeals shall resolve*
9 *such appeal as expeditiously as possible, and in any event*
10 *not more than 180 days after such interlocutory order or*
11 *final judgment, decree or order of the district court was*
12 *issued.*

13 (d) *LIMITATION ON CERTAIN PAYMENTS.*—*Notwith-*
14 *standing section 1304 of title 31, United States Code, no*
15 *award may be made under section 504 of title 5, United*
16 *States Code, or under section 2412 of title 28, United States*
17 *Code, and no amounts may be obligated or expended from*
18 *the Claims and Judgment Fund of the United States Treas-*
19 *ury to pay any fees or other expenses under such sections,*
20 *to any person or party in an energy related action.*

21 (e) *LEGAL FEES.*—*In any energy related action in*
22 *which the plaintiff does not ultimately prevail, the court*
23 *shall award to the defendant (including any intervenor-de-*
24 *fendants), other than the United States, fees and other ex-*
25 *penses incurred by that party in connection with the energy*

1 *related action, unless the court finds that the position of*
2 *the plaintiff was substantially justified or that special cir-*
3 *cumstances make an award unjust. Whether or not the posi-*
4 *tion of the plaintiff was substantially justified shall be de-*
5 *termined on the basis of the administrative record, as a*
6 *whole, which is made in the energy related action for which*
7 *fees and other expenses are sought.*

8 (f) *DEFINITIONS.—For the purposes of this section, the*
9 *following definitions apply:*

10 (1) *AGENCY ACTION.—The term “agency action”*
11 *has the same meaning given such term in section 551*
12 *of title 5, United States Code.*

13 (2) *INDIAN LAND.—The term “Indian Land” has*
14 *the same meaning given such term in section*
15 *203(c)(3) of the Energy Policy Act of 2005 (Public*
16 *Law 109–58; 25 U.S.C. 3501), including lands owned*
17 *by Native Corporations under the Alaska Native*
18 *Claims Settlement Act (Public Law 92–203; 43*
19 *U.S.C. 1601).*

20 (3) *ENERGY RELATED ACTION.—The term “en-*
21 *ergy related action” means a cause of action that—*

22 (A) *is filed on or after the effective date of*
23 *this Act; and*

1 (B) seeks judicial review of a final agency
2 action to issue a permit, license, or other form
3 of agency permission allowing:

4 (i) any person or entity to conduct ac-
5 tivities on Indian Land, which activities
6 involve the exploration, development, pro-
7 duction or transportation of oil, gas, coal,
8 shale gas, oil shale, geothermal resources,
9 wind or solar resources, underground coal
10 gasification, biomass, or the generation of
11 electricity; or

12 (ii) any Indian Tribe, or any organi-
13 zation of two or more entities, at least one
14 of which is an Indian tribe, to conduct ac-
15 tivities involving the exploration, develop-
16 ment, production or transportation of oil,
17 gas, coal, shale gas, oil shale, geothermal re-
18 sources, wind or solar resources, under-
19 ground coal gasification, biomass, or the
20 generation of electricity, regardless of where
21 such activities are undertaken.

22 (4) *ULTIMATELY PREVAIL*.—The phrase “ulti-
23 mately prevail” means, in a final enforceable judg-
24 ment, the court rules in the party’s favor on at least
25 one cause of action which is an underlying rationale

1 *for the preliminary injunction, administrative stay,*
2 *or other relief requested by the party, and does not in-*
3 *clude circumstances where the final agency action is*
4 *modified or amended by the issuing agency unless*
5 *such modification or amendment is required pursuant*
6 *to a final enforceable judgment of the court or a*
7 *court-ordered consent decree.*

8 **SEC. 4006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

9 *The Tribal Forest Protection Act of 2004 is amended*
10 *by inserting after section 2 (25 U.S.C. 3115a) the following:*

11 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

12 “(a) *IN GENERAL.—For each of fiscal years 2016*
13 *through 2020, the Secretary shall enter into stewardship*
14 *contracts or other agreements, other than agreements that*
15 *are exclusively direct service contracts, with Indian tribes*
16 *to carry out demonstration projects to promote biomass en-*
17 *ergy production (including biofuel, heat, and electricity*
18 *generation) on Indian forest land and in nearby commu-*
19 *nities by providing reliable supplies of woody biomass from*
20 *Federal land.*

21 “(b) *DEFINITIONS.—The definitions in section 2 shall*
22 *apply to this section.*

23 “(c) *DEMONSTRATION PROJECTS.—In each fiscal year*
24 *for which projects are authorized, the Secretary shall enter*
25 *into contracts or other agreements described in subsection*

1 (a) to carry out at least 4 new demonstration projects that
2 meet the eligibility criteria described in subsection (d).

3 “(d) *ELIGIBILITY CRITERIA.*—To be eligible to enter
4 into a contract or other agreement under this subsection,
5 an Indian tribe shall submit to the Secretary an applica-
6 tion—

7 “(1) containing such information as the Sec-
8 retary may require; and

9 “(2) that includes a description of—

10 “(A) the Indian forest land or rangeland
11 under the jurisdiction of the Indian tribe; and

12 “(B) the demonstration project proposed to
13 be carried out by the Indian tribe.

14 “(e) *SELECTION.*—In evaluating the applications sub-
15 mitted under subsection (c), the Secretary—

16 “(1) shall take into consideration the factors set
17 forth in paragraphs (1) and (2) of section 2(e) of
18 Public Law 108–278; and whether a proposed dem-
19 onstration project would—

20 “(A) increase the availability or reliability
21 of local or regional energy;

22 “(B) enhance the economic development of
23 the Indian tribe;

1 “(C) improve the connection of electric
2 power transmission facilities serving the Indian
3 tribe with other electric transmission facilities;

4 “(D) improve the forest health or watersheds
5 of Federal land or Indian forest land or range-
6 land; or

7 “(E) otherwise promote the use of woody
8 biomass; and

9 “(2) shall exclude from consideration any mer-
10 chantable logs that have been identified by the Sec-
11 retary for commercial sale.

12 “(f) IMPLEMENTATION.—The Secretary shall—

13 “(1) ensure that the criteria described in sub-
14 section (c) are publicly available by not later than
15 120 days after the date of enactment of this section;
16 and

17 “(2) to the maximum extent practicable, consult
18 with Indian tribes and appropriate intertribal orga-
19 nizations likely to be affected in developing the appli-
20 cation and otherwise carrying out this section.

21 “(g) REPORT.—Not later than one year subsequent to
22 the date of enactment of this section, the Secretary shall
23 submit to Congress a report that describes, with respect to
24 the reporting period—

1 “(1) each individual tribal application received
2 under this section; and

3 “(2) each contract and agreement entered into
4 pursuant to this section.

5 “(h) *INCORPORATION OF MANAGEMENT PLANS.*—In
6 carrying out a contract or agreement under this section,
7 on receipt of a request from an Indian tribe, the Secretary
8 shall incorporate into the contract or agreement, to the ex-
9 tent practicable, management plans (including forest man-
10 agement and integrated resource management plans) in ef-
11 fect on the Indian forest land or rangeland of the respective
12 Indian tribe.

13 “(i) *TERM.*—A stewardship contract or other agree-
14 ment entered into under this section—

15 “(1) shall be for a term of not more than 20
16 years; and

17 “(2) may be renewed in accordance with this sec-
18 tion for not more than an additional 10 years.

19 “**SEC. 4. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
20 **PROJECT.**

21 “*The Secretary of the Interior and the Secretary of Ag-*
22 *riculture may carry out demonstration projects by which*
23 *federally recognized Indian tribes or tribal organizations*
24 *may contract to perform administrative, management, and*
25 *other functions of programs of the Tribal Forest Protection*

1 *Act of 2004 (25 U.S.C. 3115a et seq.) through contracts en-*
 2 *tered into under the Indian Self-Determination and Edu-*
 3 *cation Assistance Act (25 U.S.C. 450 et seq.).”.*

4 **SEC. 4007. TRIBAL RESOURCE MANAGEMENT PLANS.**

5 *Unless otherwise explicitly exempted by Federal law*
 6 *enacted after the date of the enactment of this Act, any ac-*
 7 *tivity conducted or resources harvested or produced pursu-*
 8 *ant to a tribal resource management plan or an integrated*
 9 *resource management plan approved by the Secretary of the*
 10 *Interior under the National Indian Forest Resources Man-*
 11 *agement Act (25 U.S.C. 3101 et seq.) or the American In-*
 12 *dian Agricultural Resource Management Act (25 U.S.C.*
 13 *3701 et seq.), shall be considered a sustainable management*
 14 *practice for purposes of any Federal standard, benefit, or*
 15 *requirement that requires a demonstration of such sustain-*
 16 *ability.*

17 **SEC. 4008. LEASES OF RESTRICTED LANDS FOR THE NAV-**
 18 **AJO NATION.**

19 *Subsection (e)(1) of the first section of the Act of Au-*
 20 *gust 9, 1955 (25 U.S.C. 415(e)(1); commonly referred to as*
 21 *the “Long-Term Leasing Act”), is amended—*

22 *(1) by striking “, except a lease for” and insert-*
 23 *ing “, including leases for”;*

1 (2) in subparagraph (A), by striking “25” the
2 first place it appears and all that follows and insert-
3 ing “99 years;”;

4 (3) in subparagraph (B), by striking the period
5 and inserting “; and”; and

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

7 “(C) in the case of a lease for the exploration, de-
8 velopment, or extraction of mineral resources, includ-
9 ing geothermal resources, 25 years, except that any
10 such lease may include an option to renew for one ad-
11 ditional term not to exceed 25 years.”.

12 **SEC. 4009. NONAPPLICABILITY OF CERTAIN RULES.**

13 No rule promulgated by the Department of the Interior
14 regarding hydraulic fracturing used in the development or
15 production of oil or gas resources shall have any effect on
16 any land held in trust or restricted status for the benefit
17 of Indians except with the express consent of the beneficiary
18 on whose behalf such land is held in trust or restricted sta-
19 tus.

20 **TITLE V—NORTHPORT**
21 **IRRIGATION EARLY REPAYMENT**

22 **SEC. 5001. EARLY REPAYMENT OF CONSTRUCTION COSTS.**

23 (a) *IN GENERAL.*—Notwithstanding section 213 of the
24 Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any
25 landowner within the Northport Irrigation District in the

1 *State of Nebraska (referred to in this section as the “Dis-*
 2 *trict”)* may repay, at any time, the construction costs of
 3 *project facilities allocated to the landowner’s land within*
 4 *the District.*

5 **(b) APPLICABILITY OF FULL-COST PRICING LIMITA-**
 6 *TIONS.—On discharge, in full, of the obligation for repay-*
 7 *ment of all construction costs described in subsection (a)*
 8 *that are allocated to all land the landowner owns in the*
 9 *District in question, the parcels of land shall not be subject*
 10 *to the ownership and full-cost pricing limitations under*
 11 *Federal reclamation law (the Act of June 17, 1902, 32 Stat.*
 12 *388, chapter 1093), and Acts supplemental to and amend-*
 13 *atory of that Act (43 U.S.C. 371 et seq.), including the Rec-*
 14 *lamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).*

15 **(c) CERTIFICATION.—***On request of a landowner that*
 16 *has repaid, in full, the construction costs described in sub-*
 17 *section (a), the Secretary of the Interior shall provide to*
 18 *the landowner a certificate described in section 213(b)(1)*
 19 *of the Reclamation Reform Act of 1982 (43 U.S.C.*
 20 *390mm(b)(1)).*

21 **(d) EFFECT.—***Nothing in this section—*

22 **(1)** *modifies any contractual rights under, or*
 23 *amends or reopens, the reclamation contract between*
 24 *the District and the United States; or*

1 (2) *modifies any rights, obligations, or relation-*
2 *ships between the District and landowners in the Dis-*
3 *trict under Nebraska State law.*

4 **TITLE VI—OCMULGEE MOUNDS**
5 **NATIONAL HISTORICAL PARK**
6 **BOUNDARY REVISION ACT**

7 **SEC. 6001. SHORT TITLE.**

8 *This title may be cited as the “Ocmulgee Mounds Na-*
9 *tional Historical Park Boundary Revision Act of 2016”.*

10 **SEC. 6002. DEFINITIONS.**

11 *In this Act:*

12 (1) *MAP.*—*The term “map” means the map enti-*
13 *tled “Ocmulgee National Monument Proposed Bound-*
14 *ary Adjustment, numbered 363/125996”, and dated*
15 *January 2016.*

16 (2) *HISTORICAL PARK.*—*The term “Historical*
17 *Park” means the Ocmulgee Mounds National Histor-*
18 *ical Park in the State of Georgia, as redesignated in*
19 *section 6003.*

20 (3) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of the Interior.*

22 **SEC. 6003. OCMULGEE MOUNDS NATIONAL HISTORICAL**
23 **PARK.**

24 (a) *REDESIGNATION.*—*Ocmulgee National Monument,*
25 *established pursuant to the Act of June 14, 1934 (48 Stat.*

1 958), shall be known and designated as “Ocmulgee Mounds
2 National Historical Park”.

3 (b) REFERENCES.—Any reference in a law, map, regu-
4 lation, document, paper, or other record of the United
5 States to “Ocmulgee National Monument”, other than in
6 this Act, shall be deemed to be a reference to “Ocmulgee
7 Mounds National Historical Park”.

8 **SEC. 6004. BOUNDARY ADJUSTMENT.**

9 (a) IN GENERAL.—The boundary of the Historical
10 Park is revised to include approximately 2,100 acres, as
11 generally depicted on the map.

12 (b) AVAILABILITY OF MAP.—The map shall be on file
13 and available for public inspection in the appropriate of-
14 fices of the National Park Service, the Department of the
15 Interior.

16 **SEC. 6005. LAND ACQUISITION; NO BUFFER ZONES.**

17 (a) LAND ACQUISITION.—The Secretary is authorized
18 to acquire land and interests in land within the boundaries
19 of the Historical Park by donation or exchange only (and
20 in the case of an exchange, no payment may be made by
21 the Secretary to any landowner). The Secretary may not
22 acquire by condemnation any land or interest in land with-
23 in the boundaries of the Historical Park. No private prop-
24 erty or non-Federal public property shall be included with-

1 *in the boundaries of the Historical Park without the written*
 2 *consent of the owner of such property.*

3 (b) *NO BUFFER ZONES.*—*Nothing in this Act, the es-*
 4 *tablishment of the Historical Park, or the management of*
 5 *the Historical Park shall be construed to create buffer zones*
 6 *outside of the Historical Park. That an activity or use can*
 7 *be seen or heard from within the Historical Park shall not*
 8 *preclude the conduct of that activity or use outside the His-*
 9 *torical Park.*

10 **SEC. 6006. ADMINISTRATION.**

11 *The Secretary shall administer any land acquired*
 12 *under section 6005 as part of the Historical Park in accord-*
 13 *ance with applicable laws and regulations.*

14 **SEC. 6007. OCMULGEE RIVER CORRIDOR SPECIAL RE-**
 15 **SOURCE STUDY.**

16 (a) *IN GENERAL.*—*The Secretary shall conduct a spe-*
 17 *cial resource study of the Ocmulgee River corridor between*
 18 *the cities of Macon, Georgia, and Hawkinsville, Georgia,*
 19 *to determine—*

- 20 (1) *the national significance of the study area;*
 21 (2) *the suitability and feasibility of adding lands*
 22 *in the study area to the National Park System; and*
 23 (3) *the methods and means for the protection*
 24 *and interpretation of the study area by the National*
 25 *Park Service, other Federal, State, local government*

1 *entities, affiliated federally recognized Indian tribes,*
 2 *or private or nonprofit organizations.*

3 *(b) CRITERIA.—The Secretary shall conduct the study*
 4 *authorized by this Act in accordance with section 100507*
 5 *of title 54, United States Code.*

6 *(c) RESULTS OF STUDY.—Not later than 3 years after*
 7 *the date on which funds are made available to carry out*
 8 *this section, the Secretary shall submit to the Committee*
 9 *on Natural Resources of the House of Representatives and*
 10 *the Committee on Energy and Natural Resources of the Sen-*
 11 *ate—*

12 *(1) the results of the study; and*

13 *(2) any findings, conclusions, and recommenda-*
 14 *tions of the Secretary.*

15 **TITLE VII—MEDGAR EVERS**
 16 **HOUSE STUDY ACT**

17 **SEC. 7001. SHORT TITLE.**

18 *This title may be cited as the “Medgar Evers House*
 19 *Study Act”.*

20 **SEC. 7002. SPECIAL RESOURCE STUDY.**

21 *(a) STUDY.—The Secretary of the Interior shall con-*
 22 *duct a special resource study of the home of the late civil*
 23 *rights activist Medgar Evers, located at 2332 Margaret*
 24 *Walker Alexander Drive in Jackson, Mississippi.*

1 (b) *CONTENTS.*—*In conducting the study under sub-*
2 *section (a), the Secretary shall—*

3 (1) *evaluate the national significance of the site;*

4 (2) *determine the suitability and feasibility of*
5 *designating the site as a unit of the National Park*
6 *System;*

7 (3) *consider other alternatives for preservation,*
8 *protection, and interpretation of the site by Federal,*
9 *State, or local governmental entities, or private and*
10 *nonprofit organizations;*

11 (4) *consult with interested Federal, State, or*
12 *local governmental entities, private and nonprofit or-*
13 *ganizations or any other interested individuals;*

14 (5) *determine the effect of the designation of the*
15 *site as a unit of the National Park System on exist-*
16 *ing commercial and recreational uses, and the effect*
17 *on State and local governments to manage those ac-*
18 *tivities;*

19 (6) *identify any authorities, including con-*
20 *demnation, that will compel or permit the Secretary*
21 *to influence or participate in local land use decisions*
22 *(such as zoning) or place restrictions on non-Federal*
23 *land if the site is designated a unit of the National*
24 *Park System; and*

1 (7) *identify cost estimates for any Federal acqui-*
2 *sition, development, interpretation, operation, and*
3 *maintenance associated with the alternatives.*

4 (c) *APPLICABLE LAW.—The study required under sub-*
5 *section (a) shall be conducted in accordance with section*
6 *100507 of title 54, United States Code.*

7 (d) *STUDY RESULTS.—Not later than 3 years after the*
8 *date on which funds are first made available for the study*
9 *under subsection (a), the Secretary shall submit to the Com-*
10 *mittee on Natural Resources of the House of Representatives*
11 *and the Committee on Energy and Natural Resources of*
12 *the Senate the results of the study and any conclusions and*
13 *recommendations of the Secretary.*

14 **TITLE VIII—SKY POINT**
15 **MOUNTAIN DESIGNATION**

16 **SEC. 8001. FINDINGS.**

17 *Congress finds the following:*

18 (1) *Staff Sergeant Sky Mote, USMC, grew up in*
19 *El Dorado, California.*

20 (2) *Staff Sergeant Mote graduated from Union*
21 *Mine High School.*

22 (3) *Upon graduation, Staff Sergeant Mote*
23 *promptly enlisted in the Marine Corps.*

24 (4) *Staff Sergeant Mote spent 9 years serving his*
25 *country in the United States Marine Corps, including*

1 *a deployment to Iraq and two deployments to Afghan-*
2 *istan.*

3 *(5) By his decisive actions, heroic initiative, and*
4 *resolute dedication to duty, Staff Sergeant Mote gave*
5 *his life to protect fellow Marines on August 10, 2012,*
6 *by gallantly rushing into action during an attack by*
7 *a rogue Afghan policeman inside the base perimeter*
8 *in Helmand province.*

9 *(6) Staff Sergeant Mote was awarded the Navy*
10 *Cross, a Purple Heart, the Navy-Marine Corps Com-*
11 *mendation Medal, a Navy-Marine Corps Achievement*
12 *Medal, two Combat Action Ribbons, and three Good*
13 *Conduct Medals.*

14 *(7) The Congress of the United States, in ac-*
15 *knowledgment of this debt that cannot be repaid, hon-*
16 *ors Staff Sergeant Mote for his ultimate sacrifice and*
17 *recognizes his service to his country, faithfully exe-*
18 *cuted to his last, full measure of devotion.*

19 *(8) A presently unnamed peak in the center of*
20 *Humphrey Basin holds special meaning to the friends*
21 *and family of Sky Mote, as their annual hunting*
22 *trips set up camp beneath this point; under the stars,*
23 *the memories made beneath this rounded peak will be*
24 *cherished forever.*

1 **SEC. 8002. SKY POINT.**

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) *REFERENCES.*—*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 be*
 9 *considered to be a reference to "Sky Point".*

10 **TITLE IX—CHIEF STANDING**
 11 **BEAR TRAIL STUDY**

12 **SEC. 9001. CHIEF STANDING BEAR NATIONAL HISTORIC**
 13 **TRAIL FEASIBILITY STUDY.**

14 *Section 5(c) of the National Trails System Act (16*
 15 *U.S.C. 1244(c)) is amended by adding at the end the fol-*
 16 *lowing:*

17 (46) *CHIEF STANDING BEAR NATIONAL HIS-*
 18 *TORIC TRAIL.*—

19 (A) *IN GENERAL.*—*The Chief Standing*
 20 *Bear Trail, extending approximately 550 miles*
 21 *from Niobrara, Nebraska, to Ponca City, Okla-*
 22 *homa, which follows the route taken by Chief*
 23 *Standing Bear and the Ponca people during*
 24 *Federal Indian removal, and approximately 550*
 25 *miles from Ponca City, Oklahoma, through*
 26 *Omaha, Nebraska, to Niobrara, Nebraska, which*

1 follows the return route taken by Chief Standing
2 Bear and the Ponca people, as generally depicted
3 on the map entitled ‘Chief Standing Bear Na-
4 tional Historic Trail Feasibility Study’, num-
5 bered 903/125,630, and dated November 2014.

6 “(B) AVAILABILITY OF MAP.—The map de-
7 scribed in subparagraph (A) shall be on file and
8 available for public inspection in the appro-
9 priate offices of the Department of the Interior.

10 “(C) COMPONENTS.—The feasibility study
11 conducted under subparagraph (A) shall include
12 a determination on whether the Chief Standing
13 Bear Trail meets the criteria described in sub-
14 section (b) for designation as a national historic
15 trail.

16 “(D) CONSIDERATIONS.—In conducting the
17 feasibility study under subparagraph (A), the
18 Secretary of the Interior shall consider input
19 from owners of private land within or adjacent
20 to the study area.”.

21 **TITLE X—JOHN MUIR NATIONAL**
22 **HISTORIC SITE EXPANSION ACT**

23 **SEC. 10001. SHORT TITLE.**

24 This title may be cited as the “John Muir National
25 Historic Site Expansion Act”.

1 **SEC. 10002. JOHN MUIR NATIONAL HISTORIC SITE LAND AC-**
2 **QUISITION.**

3 (a) *ACQUISITION.*—*The Secretary of the Interior may*
4 *acquire by donation the approximately 44 acres of land,*
5 *and interests in such land, that are identified on the map*
6 *entitled “John Muir National Historic Site Proposed*
7 *Boundary Expansion”, numbered 426/127150, and dated*
8 *November, 2014.*

9 (b) *BOUNDARY.*—*Upon the acquisition of the land au-*
10 *thorized by subsection (a), the Secretary of the Interior shall*
11 *adjust the boundaries of the John Muir Historic Site in*
12 *Martinez, California, to include the land identified on the*
13 *map referred to in subsection (a).*

14 (c) *ADMINISTRATION.*—*The land and interests in land*
15 *acquired under subsection (a) shall be administered as part*
16 *of the John Muir National Historic Site established by the*
17 *Act of August 31, 1964 (Public Law 88–547; 78 Stat. 753;*
18 *16 U.S.C. 461 note).*

19 **TITLE XI—ARAPAHO NATIONAL**
20 **FOREST BOUNDARY ADJUST-**
21 **MENT ACT**

22 **SEC. 11001. SHORT TITLE.**

23 *This title may be cited as the “Arapaho National For-*
24 *est Boundary Adjustment Act of 2015”.*

1 **SEC. 11002. ARAPAHO NATIONAL FOREST BOUNDARY AD-**
2 **JUSTMENT.**

3 (a) *IN GENERAL.*—*The boundary of the Arapaho Na-*
4 *tional Forest in the State of Colorado is adjusted to incor-*
5 *porate the approximately 92.95 acres of land generally de-*
6 *picted as “The Wedge” on the map entitled “Arapaho Na-*
7 *tional Forest Boundary Adjustment” and dated November*
8 *6, 2013, and described as lots three, four, eight, and nine*
9 *of section 13, Township 4 North, Range 76 West, Sixth*
10 *Principal Meridian, Colorado. A lot described in this sub-*
11 *section may be included in the boundary adjustment only*
12 *after the Secretary of Agriculture obtains written permis-*
13 *sion for such action from the lot owner or owners.*

14 (b) *BOWEN GULCH PROTECTION AREA.*—*The Sec-*
15 *retary of Agriculture shall include all Federal land within*
16 *the boundary described in subsection (a) in the Bowen*
17 *Gulch Protection Area established under section 6 of the*
18 *Colorado Wilderness Act of 1993 (16 U.S.C. 539j).*

19 (c) *LAND AND WATER CONSERVATION FUND.*—*For*
20 *purposes of section 200306(a)(2)(B)(i) of title 54, United*
21 *States Code, the boundaries of the Arapaho National Forest,*
22 *as modified under subsection (a), shall be considered to be*
23 *the boundaries of the Arapaho National Forest as in exist-*
24 *ence on January 1, 1965.*

1 (d) *PUBLIC MOTORIZED USE.*—*Nothing in this Act*
 2 *opens privately owned lands within the boundary described*
 3 *in subsection (a) to public motorized use.*

4 (e) *ACCESS TO NON-FEDERAL LANDS.*—*Notwith-*
 5 *standing the provisions of section 6(f) of the Colorado Wil-*
 6 *derness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized*
 7 *travel, the owners of any non-Federal lands within the*
 8 *boundary described in subsection (a) who historically have*
 9 *accessed their lands through lands now or hereafter owned*
 10 *by the United States within the boundary described in sub-*
 11 *section (a) shall have the continued right of motorized access*
 12 *to their lands across the existing roadway.*

13 ***TITLE XII—PRESERVATION RE-***
 14 ***SEARCH AT INSTITUTIONS***
 15 ***SERVING MINORITIES ACT***

16 ***SEC. 12001. SHORT TITLE.***

17 *This title may be cited as the “Preservation Research*
 18 *at Institutions Serving Minorities Act” or the “PRISM*
 19 *Act”.*

1 **SEC. 12002. ELIGIBILITY OF HISPANIC-SERVING INSTITU-**
 2 **TIONS AND ASIAN AMERICAN AND NATIVE**
 3 **AMERICAN PACIFIC ISLANDER-SERVING IN-**
 4 **STITUTIONS FOR ASSISTANCE FOR PRESER-**
 5 **VATION EDUCATION AND TRAINING PRO-**
 6 **GRAMS.**

7 *Section 303903(3) of title 54, United States Code, is*
 8 *amended by inserting “to Hispanic-serving institutions (as*
 9 *defined in section 502(a) of the Higher Education Act of*
 10 *1965 (20 U.S.C. 1101a(a)) and Asian American and Na-*
 11 *tive American Pacific Islander-serving institutions (as de-*
 12 *finied in section 320(b) of the Higher Education Act of 1965*
 13 *(20 U.S.C. 1059g(b)),” after “universities,”.*

14 **TITLE XIII—ELKHORN RANCH**
 15 **AND WHITE RIVER NATIONAL**
 16 **FOREST CONVEYANCE ACT**

17 **SEC. 13001. SHORT TITLE.**

18 *This title may be cited as the “Elkhorn Ranch and*
 19 *White River National Forest Conveyance Act of 2015”.*

20 **SEC. 13002. LAND CONVEYANCE, ELKHORN RANCH AND**
 21 **WHITE RIVER NATIONAL FOREST, COLORADO.**

22 *(a) LAND CONVEYANCE REQUIRED.—Consistent with*
 23 *the purpose of the Act of March 3, 1909 (43 U.S.C. 772),*
 24 *all right, title, and interest of the United States (subject*
 25 *to subsection (b)) in and to a parcel of land consisting of*
 26 *approximately 148 acres as generally depicted on the map*

1 *entitled “Elkhorn Ranch Land Parcel–White River Na-*
2 *tional Forest” and dated March 2015 shall be conveyed by*
3 *patent to the Gordman-Leverich Partnership, a Colorado*
4 *Limited Liability Partnership (in this section referred to*
5 *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 to*
12 *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 the*
17 *White River National Forest or the boundaries of Sections*
18 *18 and 19 of Township 7 South, Range 93 West, Sixth*
19 *Principal Meridian, Colorado, as such boundaries are in*
20 *effect on 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 com-*
23 *pleted not later than 180 days after the date of the enact-*
24 *ment of this Act. The conveyance shall be without consider-*
25 *ation, except that all costs incurred by the Secretary of the*

1 *Interior 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 land*
4 *conveyance.*

5 **TITLE XIV—NATIONAL LIBERTY**
6 **MEMORIAL CLARIFICATION ACT**

7 **SEC. 14001. SHORT TITLE.**

8 *This title may be cited as the “National Liberty Memo-*
9 *rial Clarification Act of 2015”.*

10 **SEC. 14002. COMPLIANCE WITH CERTAIN STANDARDS FOR**
11 **COMMEMORATIVE WORKS IN ESTABLISH-**
12 **MENT OF NATIONAL LIBERTY MEMORIAL.**

13 *Section 2860(c) of the Military Construction Author-*
14 *ization Act for Fiscal Year 2013 (division B of Public Law*
15 *112–239; 40 U.S.C. 8903 note) is amended by striking the*
16 *period at the end and inserting the following: “, except that,*
17 *under subsections (a)(2) and (b) of section 8905, the Sec-*
18 *retary of Agriculture, rather than the Secretary of the Inte-*
19 *rior or the Administrator of General Services, shall be re-*
20 *sponsible for the consideration of site and design proposals*
21 *and the submission of such proposals on behalf of the spon-*
22 *sor to the Commission of Fine Arts and National Capital*
23 *Planning Commission.”.*

1 **TITLE XV—CRAGS, COLORADO**
2 **LAND EXCHANGE ACT**

3 **SEC. 15001. SHORT TITLE.**

4 *This title may be cited as the “Craggs, Colorado Land*
5 *Exchange Act of 2015”.*

6 **SEC. 15002. PURPOSES.**

7 *The purposes of this title are—*

8 (1) *to authorize, direct, expedite, and facilitate*
9 *the land exchange set forth herein; and*

10 (2) *to promote enhanced public outdoor rec-*
11 *reational and natural resource conservation opportu-*
12 *nities in the Pike National Forest near Pikes Peak,*
13 *Colorado, via acquisition of the non-Federal land and*
14 *trail easement.*

15 **SEC. 15003. DEFINITIONS.**

16 *In this Act:*

17 (1) *BHI.—The term “BHI” means Broadmoor*
18 *Hotel, Inc., a Colorado corporation.*

19 (2) *FEDERAL LAND.—The term “Federal land”*
20 *means all right, title, and interest of the United*
21 *States in and to approximately 83 acres of land with-*
22 *in the Pike National Forest, El Paso County, Colo-*
23 *rado, together with a non-exclusive perpetual access*
24 *easement to BHI to and from such land on Forest*
25 *Service Road 371, as generally depicted on the map*

1 entitled “Proposed Crags Land Exchange–Federal
2 Parcel–Emerald Valley Ranch”, dated 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 Crags Land Exchange–Non-Federal
11 Parcel–Crags Property”, dated March 2015; and

12 (B) a permanent trail easement for the
13 Barr Trail in El Paso County, Colorado, as gen-
14 erally depicted on the map entitled “Proposed
15 Crags Land Exchange–Barr Trail Easement to
16 United States”, dated March 2015, and which
17 shall be considered as a voluntary donation to
18 the United States by BHI for all purposes of
19 law.

20 (4) *SECRETARY.*—The term “Secretary” means
21 the Secretary of Agriculture, unless otherwise speci-
22 fied.

23 **SEC. 15004. LAND EXCHANGE.**

24 (a) *IN GENERAL.*—If BHI offers to convey to the Sec-
25 retary all right, title, and interest of BHI in and to the

1 *non-Federal land, the Secretary shall accept the offer and*
2 *simultaneously convey to BHI the Federal land.*

3 (b) *LAND TITLE.*—*Title to the non-Federal land con-*
4 *veyed and donated to the Secretary under this Act shall be*
5 *acceptable to the Secretary and shall conform to the title*
6 *approval standards of the Attorney General of the United*
7 *States applicable to land acquisitions by the Federal Gov-*
8 *ernment.*

9 (c) *PERPETUAL ACCESS EASEMENT TO BHI.*—*The*
10 *nonexclusive perpetual access easement to be granted to*
11 *BHI as shown on the map referred to in section 15003(2)*
12 *shall allow—*

13 (1) *BHI to fully maintain, at BHI's expense,*
14 *and use Forest Service Road 371 from its junction*
15 *with Forest Service Road 368 in accordance with his-*
16 *toric use and maintenance patterns by BHI; and*

17 (2) *full and continued public and administrative*
18 *access and use of FSR 371 in accordance with the ex-*
19 *isting Forest Service travel management plan, or as*
20 *such plan may be revised by the Secretary.*

21 (d) *ROUTE AND CONDITION OF ROAD.*—*BHI and the*
22 *Secretary may mutually agree to improve, relocate, recon-*
23 *struct, or otherwise alter the route and condition of all or*
24 *portions of such road as the Secretary, in close consultation*
25 *with BHI, may determine advisable.*

1 (e) *EXCHANGE COSTS.*—*BHI shall pay for all land*
2 *survey, appraisal, and other costs to the Secretary as may*
3 *be necessary to process and consummate the exchange di-*
4 *rected by this Act, including reimbursement to the Sec-*
5 *retary, if the Secretary so requests, for staff time spent in*
6 *such processing and consummation.*

7 **SEC. 15005. EQUAL VALUE EXCHANGE AND APPRAISALS.**

8 (a) *APPRAISALS.*—*The values of the lands to be ex-*
9 *changed under this Act shall be determined by the Secretary*
10 *through appraisals performed in accordance with—*

11 (1) *the Uniform Appraisal Standards for Fed-*
12 *eral Land Acquisitions;*

13 (2) *the Uniform Standards of Professional Ap-*
14 *praisal Practice;*

15 (3) *appraisal instructions issued by the Sec-*
16 *retary; and*

17 (4) *shall be performed by an appraiser mutually*
18 *agreed to by the Secretary and BHI.*

19 (b) *EQUAL VALUE EXCHANGE.*—*The values of the Fed-*
20 *eral and non-Federal land parcels exchanged shall be equal,*
21 *or if they are not equal, shall be equalized as follows:*

22 (1) *SURPLUS OF FEDERAL LAND VALUE.*—*If the*
23 *final appraised value of the Federal land exceeds the*
24 *final appraised value of the non-Federal land parcel*
25 *identified in section 15003(3)(A), BHI shall make a*

1 *cash equalization payment to the United States as*
2 *necessary to achieve equal value, including, if nec-*
3 *essary, an amount in excess of that authorized pursu-*
4 *ant to section 206(b) of the Federal Land Policy and*
5 *Management Act of 1976 (43 U.S.C. 1716(b)).*

6 (2) *USE OF FUNDS.—Any cash equalization*
7 *moneys received by the Secretary under paragraph*
8 *(1) shall be—*

9 (A) *deposited in the fund established under*
10 *Public Law 90–171 (commonly known as the*
11 *“Sisk Act”; 16 U.S.C. 484a); and*

12 (B) *made available to the Secretary for the*
13 *acquisition of land or interests in land in Re-*
14 *gion 2 of the Forest Service.*

15 (3) *SURPLUS OF NON-FEDERAL LAND VALUE.—If*
16 *the final appraised value of the non-Federal land par-*
17 *cel identified in section 15003(3)(A) exceeds the final*
18 *appraised value of the Federal land, the United*
19 *States shall not make a cash equalization payment to*
20 *BHI, and surplus value of the non-Federal land shall*
21 *be considered a donation by BHI to the United States*
22 *for all purposes of law.*

23 (c) *APPRAISAL EXCLUSIONS.—*

24 (1) *SPECIAL USE PERMIT.—The appraised value*
25 *of the Federal land parcel shall not reflect any in-*

1 crease or diminution in value due to the special use
2 permit existing on the date of the enactment of this
3 Act to BHI on the parcel and improvements there-
4 under.

5 (2) *BARR TRAIL EASEMENT.*—*The Barr Trail*
6 *easement donation identified in section 15003(3)(B)*
7 *shall not be appraised for purposes of this Act.*

8 **SEC. 15006. MISCELLANEOUS PROVISIONS.**

9 (a) *WITHDRAWAL PROVISIONS.*—

10 (1) *WITHDRAWAL.*—*Lands acquired by the Sec-*
11 *retary under this Act shall, without further action by*
12 *the Secretary, be permanently withdrawn from all*
13 *forms of appropriation and disposal under the public*
14 *land laws (including the mining and mineral leasing*
15 *laws) and the Geothermal Steam Act of 1930 (30*
16 *U.S.C. 1001 et seq.).*

17 (2) *WITHDRAWAL REVOCATION.*—*Any public*
18 *land order that withdraws the Federal land from ap-*
19 *propriation or disposal under a public land law shall*
20 *be revoked to the extent necessary to permit disposal*
21 *of the Federal land parcel to BHI.*

22 (3) *WITHDRAWAL OF FEDERAL LAND.*—*All Fed-*
23 *eral land authorized to be exchanged under this Act,*
24 *if not already withdrawn or segregated from appro-*
25 *propriation or disposal under the public lands laws upon*

1 enactment of this Act, is hereby so withdrawn, subject
2 to valid existing rights, until the date of conveyance
3 of the Federal land to BHI.

4 (b) *POSTEXCHANGE LAND MANAGEMENT.*—Land ac-
5 quired by the Secretary under this Act shall become part
6 of the Pike-San Isabel National Forest and be managed in
7 accordance with the laws, rules, and regulations applicable
8 to the National Forest System.

9 (c) *EXCHANGE TIMETABLE.*—It is the intent of Con-
10 gress that the land exchange directed by this Act be con-
11 summated no later than 1 year after the date of the enact-
12 ment of this Act.

13 (d) *MAPS, ESTIMATES, AND DESCRIPTIONS.*—

14 (1) *MINOR ERRORS.*—The Secretary and BHI
15 may by mutual agreement make minor boundary ad-
16 justments to the Federal and non-Federal lands in-
17 volved in the exchange, and may correct any minor
18 errors in any map, acreage estimate, or description of
19 any land to be exchanged.

20 (2) *CONFLICT.*—If there is a conflict between a
21 map, an acreage estimate, or a description of land
22 under this Act, the map shall control unless the Sec-
23 retary and BHI mutually agree otherwise.

24 (3) *AVAILABILITY.*—Upon enactment of this Act,
25 the Secretary shall file and make available for public

1 *inspection in the headquarters of the Pike-San Isabel*
 2 *National Forest a copy of all maps referred to in this*
 3 *Act.*

4 **TITLE XVI—REMOVE REVER-**
 5 **SIONARY INTEREST IN ROCK-**
 6 **INGHAM COUNTY LAND**

7 **SEC. 16001. REMOVAL OF USE RESTRICTION.**

8 *Public Law 101–479 (104 Stat. 1158) is amended—*

9 *(1) by striking section 2(d); and*

10 *(2) by adding at the end the following:*

11 **“SEC. 4. REMOVAL OF USE RESTRICTION.**

12 *“(a) The approximately 1-acre portion of the land re-*
 13 *ferred to in section 3 that is used for purposes of a child*
 14 *care center, as authorized by this Act, shall not be subject*
 15 *to the use restriction imposed in the deed referred to in sec-*
 16 *tion 3.*

17 *“(b) Upon enactment of this section, the Secretary of*
 18 *the Interior shall execute an instrument to carry out sub-*
 19 *section (a).”.*

20 **TITLE XVII—COLTSVILLE**
 21 **NATIONAL HISTORICAL PARK**

22 **SEC. 17001. AMENDMENT TO COLTSVILLE NATIONAL HIS-**
 23 **TORICAL PARK DONATION SITE.**

24 *Section 3032(b) of Public Law 113–291 (16 U.S.C.*
 25 *410qqq) is amended—*

1 (1) *in paragraph (2)(B), by striking “East Ar-*
 2 *mory” and inserting “Colt Armory Complex”; and*

3 (2) *by adding at the end the following:*

4 “(4) *ADDITIONAL ADMINISTRATIVE CONDI-*
 5 *TIONS.—No non-Federal property may be included in*
 6 *the park without the written consent of the owner.*
 7 *The establishment of the park or the management of*
 8 *the park shall not be construed to create buffer zones*
 9 *outside of the park. That activities or uses can be*
 10 *seen, heard or detected from areas within the park*
 11 *shall not preclude, limit, control, regulate, or deter-*
 12 *mine the conduct or management of activities or uses*
 13 *outside of the park.”.*

14 **TITLE XVIII—MARTIN LUTHER**
 15 **KING, JR. NATIONAL HISTOR-**
 16 **ICAL PARK ACT**

17 **SEC. 18001. SHORT TITLE.**

18 *This title may be cited as the “Martin Luther King,*
 19 *Jr. National Historical Park Act of 2016”.*

20 **SEC. 18002. MARTIN LUTHER KING, JR. NATIONAL HISTOR-**
 21 **ICAL PARK.**

22 *The Act entitled “An Act to establish the Martin Lu-*
 23 *ther King, Junior, National Historic Site in the State of*
 24 *Georgia, and for other purposes” (Public Law 96–428) is*
 25 *amended—*

1 (1) *in subsection (a) of the first section, by strik-*
2 *ing “the map entitled ‘Martin Luther King, Junior,*
3 *National Historic Site Boundary Map’, number 489/*
4 *80,013B, and dated September 1992” and inserting*
5 *“the map entitled ‘Martin Luther King, Jr. National*
6 *Historical Park Proposed Boundary Revision’, num-*
7 *bered 489/128,786 and dated June 2015”;*

8 (2) *by striking “Martin Luther King, Junior,*
9 *National Historic Site” each place it appears and in-*
10 *serting “Martin Luther King, Jr. National Historical*
11 *Park”;*

12 (3) *by striking “national historic site” each*
13 *place it appears and inserting “national historical*
14 *park”;*

15 (4) *by striking “historic site” each place it ap-*
16 *pears and inserting “historical park”; and*

17 (5) *by striking “historic sites” in section 2(a)*
18 *and inserting “historical parks”.*

19 **SEC. 18003. REFERENCES.**

20 *Any reference in a law (other than this Act), map, reg-*
21 *ulation, document, paper, or other record of the United*
22 *States to “Martin Luther King, Junior, National Historic*
23 *Site” shall be deemed to be a reference to “Martin Luther*
24 *King, Jr. National Historical Park”.*

1 **TITLE XIX—EXTENSION OF THE**
 2 **AUTHORIZATION FOR THE**
 3 **GULLAH/GEECHEE CULTURAL**
 4 **HERITAGE CORRIDOR COM-**
 5 **MISSION**

6 **SEC. 19001. EXTENSION OF THE AUTHORIZATION FOR THE**
 7 **GULLAH/GEECHEE CULTURAL HERITAGE**
 8 **CORRIDOR COMMISSION.**

9 *Section 295D(d) of the Gullah/Geechee Cultural Herit-*
 10 *age Act (Public Law 109–338; 120 Stat. 1833; 16 U.S.C.*
 11 *461 note) is amended by striking “10 years” and inserting*
 12 *“15 years”.*

13 **TITLE XX—9/11 MEMORIAL ACT**

14 **SEC. 20001. SHORT TITLE.**

15 *This title may be cited as the “9/11 Memorial Act”.*

16 **SEC. 20002. DEFINITIONS.**

17 *For purposes of this Act:*

18 (1) **ELIGIBLE ENTITY.**—*The term “eligible enti-*
 19 *ty” means a nonprofit organization as defined in sec-*
 20 *tion 501(c)(3) of the Internal Revenue Code of 1986*
 21 *(26 U.S.C. 501(c)(3)) in existence on the date of en-*
 22 *actment of this Act.*

23 (2) **MAP.**—*The term “map” means the map ti-*
 24 *tled “National September 11 Memorial Proposed*

1 *Boundary*”, numbered 903/128928, and dated June
2 2015.

3 (3) *NATIONAL SEPTEMBER 11 MEMORIAL*.—The
4 term “National September 11 Memorial” means the
5 area approximately bounded by Fulton, Greenwich,
6 Liberty and West Streets as generally depicted on the
7 map.

8 (4) *SECRETARY*.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 20003. DESIGNATION OF MEMORIAL.**

11 (a) *DESIGNATION*.—The National September 11 Me-
12 morial is hereby designated as a national memorial.

13 (b) *MAP*.—The map shall be available for public in-
14 spection and kept on file at the appropriate office of the
15 Secretary.

16 (c) *EFFECT OF DESIGNATION*.—The national memo-
17 rial designated under this section shall not be a unit of the
18 National Park System and the designation of the national
19 memorial shall not be construed to require or authorize Fed-
20 eral funds to be expended for any purpose related to the
21 national memorial except as provided under section 20004.

22 **SEC. 20004. COMPETITIVE GRANTS FOR CERTAIN MEMO-**
23 **RIALS.**

24 (a) *COMPETITIVE GRANTS*.—Subject to the availability
25 of appropriations, the Secretary may award a single grant

1 *per year through a competitive process to an eligible entity*
2 *for the operation and maintenance of any memorial located*
3 *within the United States established to commemorate the*
4 *events of and honor—*

5 (1) *the victims of the terrorist attacks on the*
6 *World Trade Center, the Pentagon, and United Air-*
7 *lines Flight 93 on September 11, 2001; and*

8 (2) *the victims of the terrorist attack on the*
9 *World Trade Center on February 26, 1993.*

10 (b) *AVAILABILITY.—Funds made available under this*
11 *section shall remain available until expended.*

12 (c) *CRITERIA.—In awarding grants under this section,*
13 *the Secretary shall give greatest weight in the selection of*
14 *eligible entities using the following criteria:*

15 (1) *Experience in managing a public memorial*
16 *that will benefit the largest number of visitors each*
17 *calendar year.*

18 (2) *Experience in managing a memorial of sig-*
19 *nificant size (4 acres or more).*

20 (3) *Successful coordination and cooperation with*
21 *Federal, State, and local governments in operating*
22 *and managing the memorial.*

23 (4) *Ability and commitment to use grant funds*
24 *to enhance security at the memorial.*

1 (5) *Ability to use grant funds to increase the*
2 *numbers of economically disadvantaged visitors to the*
3 *memorial and surrounding areas.*

4 (d) *SUMMARIES.*—*Not later than 30 days after the end*
5 *of each fiscal year in which an eligible entity obligates or*
6 *expends any part of a grant under this section, the eligible*
7 *entity shall prepare and submit to the Secretary and Con-*
8 *gress a summary that—*

9 (1) *specifies the amount of grant funds obligated*
10 *or expended in the preceding fiscal year;*

11 (2) *specifies the purpose for which the funds were*
12 *obligated or expended; and*

13 (3) *includes any other information the Secretary*
14 *may require to more effectively administer the grant*
15 *program.*

16 (e) *SUNSET.*—*The authority to award grants under*
17 *this section shall expire on the date that is 7 years after*
18 *the date of the enactment of this Act.*

1 **TITLE XXI—KENNESAW MOUN-**
2 **TAIN NATIONAL BATTLE-**
3 **FIELD PARK BOUNDARY AD-**
4 **JUSTMENT ACT**

5 **SEC. 21001. SHORT TITLE.**

6 *This title may be cited as the “Kennesaw Mountain*
7 *National Battlefield Park Boundary Adjustment Act of*
8 *2015”.*

9 **SEC. 21002. FINDINGS.**

10 *The Congress finds the following:*

11 *(1) Kennesaw Mountain National Battlefield*
12 *Park was authorized as a unit of the National Park*
13 *System on June 26, 1935. Prior to 1935, parts of the*
14 *park had been acquired and protected by Civil War*
15 *veterans and the War Department.*

16 *(2) Kennesaw Mountain National Battlefield*
17 *Park protects Kennesaw Mountain and Kolb’s Farm,*
18 *which are battle sites along the route of General Sher-*
19 *man’s 1864 campaign to take Atlanta.*

20 *(3) Most of the park protects Confederate posi-*
21 *tions and strategy. The Wallis House is one of the few*
22 *original structures remaining from the Battle of Ken-*
23 *nesaw Mountain associated with Union positions and*
24 *strategy.*

1 (4) *The Wallis House is strategically located next*
2 *to a Union signal station at Harriston Hill.*

3 **SEC. 21003. BOUNDARY ADJUSTMENT; LAND ACQUISITION;**
4 **ADMINISTRATION.**

5 (a) *BOUNDARY ADJUSTMENT.*—*The boundary of the*
6 *Kennesaw Mountain National Battlefield Park is modified*
7 *to include the approximately 8 acres identified as “Wallis*
8 *House and Harriston Hill”, and generally depicted on the*
9 *map titled “Kennesaw Mountain National Battlefield Park,*
10 *Proposed Boundary Adjustment”, numbered 325/80,020,*
11 *and dated February 2010.*

12 (b) *MAP.*—*The map referred to in subsection (a) shall*
13 *be on file and available for inspection in the appropriate*
14 *offices of the National Park Service.*

15 (c) *LAND ACQUISITION.*—*The Secretary of the Interior*
16 *is authorized to acquire, from willing owners only, land or*
17 *interests in land described in subsection (a) by donation*
18 *or exchange.*

19 (d) *ADMINISTRATION OF ACQUIRED LANDS.*—*The Sec-*
20 *retary of the Interior shall administer land and interests*
21 *in land acquired under this section as part of the Kennesaw*
22 *Mountain National Battlefield Park in accordance with ap-*
23 *plicable laws and regulations.*

24 (e) *WRITTEN CONSENT OF OWNER.*—*No non-Federal*
25 *property may be included in the Kennesaw Mountain Na-*

1 *tional Battlefield Park without the written consent of the*
 2 *owner. This provision shall apply only to those portions*
 3 *of the Park added under subsection (a).*

4 (f) *NO USE OF CONDEMNATION.*—*The Secretary of the*
 5 *Interior may not acquire by condemnation any land or in-*
 6 *terests in land under this Act or for the purposes of this*
 7 *Act.*

8 (g) *NO BUFFER ZONE CREATED.*—*Nothing in this*
 9 *Act, the establishment of the Kennesaw Mountain National*
 10 *Battlefield Park, or the management plan for the Kennesaw*
 11 *Mountain National Battlefield Park shall be construed to*
 12 *create buffer zones outside of the Park. That activities or*
 13 *uses can be seen, heard, or detected from areas within the*
 14 *Kennesaw Mountain National Battlefield Park shall not*
 15 *preclude, limit, control, regulate or determine the conduct*
 16 *or management of activities or uses outside the Park.*

17 **TITLE XXII—VEHICLE ACCESS AT**
 18 **DELAWARE WATER GAP NA-**
 19 **TIONAL RECREATION AREA**

20 **SEC. 22001. VEHICULAR ACCESS AND FEES.**

21 *Section 4 of the Delaware Water Gap National Recre-*
 22 *ation Area Improvement Act (Public Law 109–156) is*
 23 *amended to read as follows:*

1 **“SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION**
2 **AREA.**

3 “(a) *IN GENERAL.*—*Except as otherwise provided in*
4 *this section, Highway 209, a federally owned road within*
5 *the boundaries of the Recreation Area, shall be closed to all*
6 *commercial vehicles.*

7 “(b) *EXCEPTION FOR LOCAL BUSINESS USE.*—*Until*
8 *September 30, 2020, subsection (a) shall not apply with re-*
9 *spect to the use of commercial vehicles that have four or*
10 *fewer axles and are—*

11 “(1) *owned and operated by a business phys-*
12 *ically located in—*

13 “(A) *the Recreation Area; or*

14 “(B) *one or more adjacent municipalities;*

15 *or*

16 “(2) *necessary to provide services to businesses or*
17 *persons located in—*

18 “(A) *the Recreation Area; or*

19 “(B) *one of more adjacent municipalities.*

20 “(c) *FEE.*—*The Secretary shall establish a fee and per-*
21 *mit program for the use by commercial vehicles of Highway*
22 *209 under subsection (b). The program shall include an an-*
23 *ual fee not to exceed \$200 per vehicle. All fees received*
24 *under the program shall be set aside in a special account*
25 *and be available, without further appropriation, to the Sec-*
26 *retary for the administration and enforcement of the pro-*

1 *gram, including registering vehicles, issuing permits and*
 2 *vehicle identification stickers, and personnel costs.*

3 “(d) *EXCEPTIONS.—The following vehicles may use*
 4 *Highway 209 and shall not be subject to a fee or permit*
 5 *requirement under subsection (c):*

6 “(1) *Local school buses.*

7 “(2) *Fire, ambulance, and other safety and emer-*
 8 *gency vehicles.*

9 “(3) *Commercial vehicles using Federal Road*
 10 *Route 209, from—*

11 “(A) *Milford to the Delaware River Bridge*
 12 *leading to U.S. Route 206 in New Jersey; and*

13 “(B) *mile 0 of Federal Road Route 209 to*
 14 *Pennsylvania State Route 2001.”.*

15 **SEC. 22002. DEFINITIONS.**

16 *Section 2 of the Delaware Water Gap National Recre-*
 17 *ation Area Improvement Act (Public Law 109–156) is*
 18 *amended—*

19 (1) *by redesignating paragraphs (1) through (5)*
 20 *as paragraphs (2) through (6), respectively; and*

21 (2) *by inserting before paragraph (2) (as so re-*
 22 *designated by paragraph (1) of this section) the fol-*
 23 *lowing:*

24 “(1) *ADJACENT MUNICIPALITIES.—The term ‘ad-*
 25 *acent municipalities’ means Delaware Township,*

1 *Dingman Township, Lehman Township, Matamoras*
 2 *Borough, Middle Smithfield Township, Milford Bor-*
 3 *ough, Milford Township, Smithfield Township and*
 4 *Westfall Township, in Pennsylvania.”.*

5 **SEC. 22003. CONFORMING AMENDMENT.**

6 *Section 702 of the Omnibus Parks and Public Lands*
 7 *Management Act of 1996 (Public Law 104–333) is repealed.*

8 **TITLE XXIII—GULF ISLANDS NA-**
 9 **TIONAL SEASHORE LAND EX-**
 10 **CHANGE ACT**

11 **SEC. 23001. SHORT TITLE.**

12 *This title may be cited as the “Gulf Islands National*
 13 *Seashore Land Exchange Act of 2016”.*

14 **SEC. 23002. LAND EXCHANGE, GULF ISLANDS NATIONAL**
 15 **SEASHORE, JACKSON COUNTY, MISSISSIPPI.**

16 *(a) LAND EXCHANGE AUTHORIZED.—The Secretary of*
 17 *the Interior, acting through the Director of the National*
 18 *Park Service (in this section referred to as the “Secretary”)*
 19 *may convey to the Veterans of Foreign Wars Post 5699 (in*
 20 *this section referred to as the “Post”) all right, title, and*
 21 *interest of the United States in and to a parcel of real prop-*
 22 *erty, consisting of approximately 1.542 acres and located*
 23 *within the Gulf Islands National Seashore in Jackson*
 24 *County, Mississippi, section 34, township 7 north, range*
 25 *8 east.*

1 (b) *LAND TO BE ACQUIRED.*—*In exchange for the*
2 *property described in subsection (a), the Post shall convey*
3 *to the Secretary all right, title, and interest of the Post in*
4 *and to a parcel of real property, consisting of approxi-*
5 *mately 2.161 acres and located in Jackson County, Mis-*
6 *sissippi, section 34, township 7 north, range 8 east.*

7 (c) *EQUAL VALUE EXCHANGE.*—*The values of the par-*
8 *cels of real property to be exchanged under this section are*
9 *deemed to be equal.*

10 (d) *PAYMENT OF COSTS OF CONVEYANCE.*—

11 (1) *PAYMENT REQUIRED.*—*The Secretary shall*
12 *require the Post to cover costs to be incurred by the*
13 *Secretary, or to reimburse the Secretary for such costs*
14 *incurred by the Secretary, to carry out the land ex-*
15 *change under this section, including survey costs,*
16 *costs related to environmental documentation, and*
17 *any other administrative costs related to the land ex-*
18 *change. If amounts are collected from the Secretary in*
19 *advance of the Secretary incurring the actual costs*
20 *and the amount collected exceeds the costs actually in-*
21 *curring by the Secretary to carry out the land ex-*
22 *change, the Secretary shall refund the excess amount*
23 *to the Post.*

24 (2) *TREATMENT OF AMOUNTS RECEIVED.*—
25 *Amounts received as reimbursement under paragraph*

1 (1) shall be credited to the fund or account that was
2 used to cover those costs incurred by the Secretary in
3 carrying out the land exchange. Amounts so credited
4 shall be merged with amounts in such fund or account
5 and shall be available for the same purposes, and sub-
6 ject to the same conditions and limitations, as
7 amounts in such fund or account.

8 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
9 and legal description of property to be exchanged under this
10 section shall be determined by surveys satisfactory to the
11 Secretary and the Post.

12 (f) *CONVEYANCE AGREEMENT.*—The exchange of real
13 property under this section shall be accomplished using a
14 quit claim deed or other legal instrument and upon terms
15 and conditions mutually satisfactory to the Secretary and
16 the Post, including such additional terms and conditions
17 as the Secretary considers appropriate to protect the inter-
18 ests of the United States.

19 (g) *TREATMENT OF ACQUIRED LAND.*—Land and in-
20 terests in land acquired by the United States under sub-
21 section (b) shall be administered by the Secretary as part
22 of the Gulf Islands National Seashore.

23 (h) *MODIFICATION OF BOUNDARY.*—Upon completion
24 of the land exchange under this section, the Secretary shall

1 *modify the boundary of the Gulf Islands National Seashore*
 2 *to reflect such land exchange.*

3 ***TITLE XXIV—KOREAN WAR VET-***
 4 ***ERANS MEMORIAL WALL OF***
 5 ***REMEMBRANCE ACT***

6 ***SEC. 24001. SHORT TITLE.***

7 *This title may be cited as the “Korean War Veterans*
 8 *Memorial Wall of Remembrance Act of 2016”.*

9 ***SEC. 24002. WALL OF REMEMBRANCE.***

10 *Section 1 of the Act titled “An Act to authorize the*
 11 *erection of a memorial on Federal Land in the District of*
 12 *Columbia and its environs to honor members of the Armed*
 13 *Forces of the United States who served in the Korean War”,*
 14 *approved October 25, 1986 (Public Law 99–572), is amend-*
 15 *ed by adding at the end the following:*

16 *“Such memorial shall include a Wall of Remembrance,*
 17 *which shall be constructed without the use of Federal funds.*
 18 *The American Battle Monuments Commission shall request*
 19 *and consider design recommendations from the Korean War*
 20 *Veterans Memorial Foundation, Inc. for the establishment*
 21 *of the Wall of Remembrance. The Wall of Remembrance*
 22 *shall include—*

23 *“(1) a list by name of members of the Armed*
 24 *Forces of the United States who died in theatre in the*
 25 *Korean War;*

1 “(2) the number of members of the Armed Forces
2 of the United States who, in regards to the Korean
3 War—

4 “(A) were wounded in action;

5 “(B) are listed as missing in action; or

6 “(C) were prisoners of war; and

7 “(3) the number of members of the Korean Aug-
8 mentation to the United States Army, the Republic of
9 Korea Armed Forces, and the other nations of the
10 United Nations Command who, in regards to the Ko-
11 rean War—

12 “(A) were killed in action;

13 “(B) were wounded in action;

14 “(C) are listed as missing in action; or

15 “(D) were prisoners of war.”.

16 **TITLE XXV—NATIONAL FOREST**
17 **SMALL TRACTS ACT AMEND-**
18 **MENTS ACT**

19 **SEC. 25001. SHORT TITLE.**

20 *This title may be cited as the “National Forest Small*
21 *Tracts Act Amendments Act of 2015”.*

1 **SEC. 25002. ADDITIONAL AUTHORITY FOR SALE OR EX-**
2 **CHANGE OF SMALL PARCELS OF NATIONAL**
3 **FOREST SYSTEM LAND.**

4 (a) *INCREASE IN MAXIMUM VALUE OF SMALL PAR-*
5 *CELS.*—Section 3 of Public Law 97–465 (commonly known
6 as the Small Tracts Act; 16 U.S.C. 521e) is amended in
7 the matter preceding paragraph (1) by striking “\$150,000”
8 and inserting “\$500,000”.

9 (b) *ADDITIONAL CONVEYANCE PURPOSES.*—Section 3
10 of Public Law 97–465 (16 U.S.C. 521e) is further amend-
11 ed—

12 (1) in the matter preceding paragraph (1), by
13 striking “which are—” and inserting “which involve
14 any one of the following:”;

15 (2) in paragraph (1)—

16 (A) by striking “parcels” and inserting
17 “Parcels”; and

18 (B) by striking the semicolon at the end and
19 inserting a period;

20 (3) in paragraph (2)—

21 (A) by striking “parcels” the first place it
22 appears and inserting “Parcels”; and

23 (B) by striking “; or” at the end and insert-
24 ing a period;

25 (4) in paragraph (3), by striking “road” and in-
26 sserting “Road”; and

1 (5) *by adding at the end the following new para-*
2 *graphs:*

3 “(4) *Parcels of 40 acres or less which are deter-*
4 *mined by the Secretary to be physically isolated, to*
5 *be inaccessible, or to have lost their National Forest*
6 *character.*

7 “(5) *Parcels of 10 acres or less which are not eli-*
8 *gible for conveyance under paragraph (2), but which*
9 *are encroached upon by permanent habitable im-*
10 *provements for which there is no evidence that the en-*
11 *croachment was intentional or negligent.*

12 “(6) *Parcels used as a cemetery, a landfill, or a*
13 *sewage treatment plant under a special use authoriza-*
14 *tion issued by the Secretary. In the case of a cemetery*
15 *expected to reach capacity within 10 years, the sale,*
16 *exchange, or interchange may include, in the sole dis-*
17 *cretion of the Secretary, up to 1 additional acre abut-*
18 *ting the permit area to facilitate expansion of the*
19 *cemetery.”.*

20 (c) *DISPOSITION OF PROCEEDS.—Section 2 of Public*
21 *Law 97–465 (16 U.S.C. 521d) is amended—*

22 (1) *by striking “The Secretary is authorized”*
23 *and inserting the following:*

24 “(a) *CONVEYANCE AUTHORITY; CONSIDERATION.—The*
25 *Secretary is authorized”;*

1 (2) by striking “The Secretary shall insert” and
2 inserting the following:

3 “(b) *INCLUSION OF TERMS, COVENANTS, CONDITIONS,*
4 *AND RESERVATIONS.—The Secretary shall insert*”;

5 (3) by striking “covenants” and inserting “cov-
6 enants”; and

7 (4) by adding at the end the following new sub-
8 section:

9 “(c) *DISPOSITION OF PROCEEDS.—*

10 “(1) *DEPOSIT IN SISK FUND.—The net proceeds*
11 *derived from any sale or exchange conducted under*
12 *the authority of paragraph (4), (5), or (6) of section*
13 *3 shall be deposited in the fund established by Public*
14 *Law 90–171 (commonly known as the Sisk Act; 16*
15 *U.S.C. 484a).*

16 “(2) *USE.—Amounts deposited under paragraph*
17 *(1) shall be available to the Secretary until expended*
18 *for—*

19 “(A) *the acquisition of land or interests in*
20 *land for administrative sites for the National*
21 *Forest System in the State from which the*
22 *amounts were derived;*

23 “(B) *the acquisition of land or interests in*
24 *land for inclusion in the National Forest System*
25 *in that State, including land or interests in land*

1 *which enhance opportunities for recreational ac-*
 2 *cess;*

3 “(C) *the performance of deferred mainte-*
 4 *nance on administrative sites for the National*
 5 *Forest System in that State or other deferred*
 6 *maintenance activities in that State which en-*
 7 *hance opportunities for recreational access; or*

8 “(D) *the reimbursement of the Secretary for*
 9 *costs incurred in preparing a sale conducted*
 10 *under the authority of section 3 if the sale is a*
 11 *competitive sale.”.*

12 ***TITLE XXVI—WESTERN OREGON***
 13 ***TRIBAL FAIRNESS ACT***

14 ***SEC. 26001. SHORT TITLE.***

15 *This title may be cited as the “Western Oregon Tribal*
 16 *Fairness Act”.*

17 ***Subtitle A—Cow Creek Umpqua***
 18 ***Land Conveyance***

19 ***SEC. 26011. SHORT TITLE.***

20 *This subtitle may be cited as the “Cow Creek Umpqua*
 21 *Land Conveyance Act”.*

22 ***SEC. 26012. DEFINITIONS.***

23 *In this subtitle:*

24 (1) *COUNCIL CREEK LAND.*—*The term “Council*
 25 *Creek land” means the approximately 17,519 acres of*

1 *land, as generally depicted on the map entitled “Can-*
2 *yon Mountain Land Conveyance” and dated June 27,*
3 *2013.*

4 (2) *TRIBE.*—*The term “Tribe” means the Cow*
5 *Creek Band of Umpqua Tribe of Indians.*

6 (3) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of the Interior.*

8 **SEC. 26013. CONVEYANCE.**

9 (a) *IN GENERAL.*—*Subject to valid existing rights, in-*
10 *cluding rights-of-way, all right, title, and interest of the*
11 *United States in and to the Council Creek land, including*
12 *any improvements located on the land, appurtenances to*
13 *the land, and minerals on or in the land, including oil and*
14 *gas, shall be—*

15 (1) *held in trust by the United States for the*
16 *benefit of the Tribe; and*

17 (2) *part of the reservation of the Tribe.*

18 (b) *SURVEY.*—*Not later than 1 year after the date of*
19 *enactment of this Act, the Secretary shall complete a survey*
20 *of the boundary lines to establish the boundaries of the land*
21 *taken into trust under subsection (a).*

22 **SEC. 26014. MAP AND LEGAL DESCRIPTION.**

23 (a) *IN GENERAL.*—*As soon as practicable after the*
24 *date of enactment of this Act, the Secretary shall file a map*
25 *and legal description of the Council Creek land with—*

1 (1) *the Committee on Energy and Natural Re-*
2 *sources of the Senate; and*

3 (2) *the Committee on Natural Resources of the*
4 *House of Representatives.*

5 (b) *FORCE AND EFFECT.*—*The map and legal descrip-*
6 *tion filed under subsection (a) shall have the same force and*
7 *effect as if included in this subtitle, except that the Sec-*
8 *retary may correct any clerical or typographical errors in*
9 *the map or legal description.*

10 (c) *PUBLIC AVAILABILITY.*—*The map and legal de-*
11 *scription filed under subsection (a) shall be on file and*
12 *available for public inspection in the Office of the Secretary.*

13 **SEC. 26015. ADMINISTRATION.**

14 (a) *IN GENERAL.*—*Unless expressly provided in this*
15 *subtitle, nothing in this subtitle affects any right or claim*
16 *of the Tribe existing on the date of enactment of this Act*
17 *to any land or interest in land.*

18 (b) *PROHIBITIONS.*—

19 (1) *EXPORTS OF UNPROCESSED LOGS.*—*Federal*
20 *law (including regulations) relating to the export of*
21 *unprocessed logs harvested from Federal land shall*
22 *apply to any unprocessed logs that are harvested from*
23 *the Council Creek land.*

24 (2) *NON-PERMISSIBLE USE OF LAND.*—*Any real*
25 *property taken into trust under section 26013 shall*

1 *not be eligible, or used, for any gaming activity car-*
2 *ried out under Public Law 100–497 (25 U.S.C. 2701*
3 *et seq.).*

4 *(c) FOREST MANAGEMENT.—Any forest management*
5 *activity that is carried out on the Council Creek land shall*
6 *be managed in accordance with all applicable Federal laws.*

7 **SEC. 26016. LAND RECLASSIFICATION.**

8 *(a) IDENTIFICATION OF OREGON AND CALIFORNIA*
9 *RAILROAD GRANT LAND.—Not later than 180 days after*
10 *the date of enactment of this Act, the Secretary of Agri-*
11 *culture and the Secretary shall identify any Oregon and*
12 *California Railroad grant land that is held in trust by the*
13 *United States for the benefit of the Tribe under section*
14 *26013.*

15 *(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not*
16 *later than 18 months after the date of enactment of this*
17 *Act, the Secretary shall identify public domain land in the*
18 *State of Oregon that—*

19 *(1) is approximately equal in acreage and condi-*
20 *tion as the Oregon and California Railroad grant*
21 *land identified under subsection (a); and*

22 *(2) is located in the vicinity of the Oregon and*
23 *California Railroad grant land.*

24 *(c) MAPS.—Not later than 2 years after the date of*
25 *enactment of this Act, the Secretary shall submit to Con-*

1 *gress and publish in the Federal Register one or more maps*
 2 *depicting the land identified in subsections (a) and (b).*

3 *(d) RECLASSIFICATION.—*

4 *(1) IN GENERAL.—After providing an oppor-*
 5 *tunity for public comment, the Secretary shall reclas-*
 6 *sify the land identified in subsection (b) as Oregon*
 7 *and California Railroad grant land.*

8 *(2) APPLICABILITY.—The Act of August 28, 1937*
 9 *(43 U.S.C. 1181a et seq.), shall apply to land reclas-*
 10 *sified as Oregon and California Railroad grant land*
 11 *under paragraph (1).*

12 ***Subtitle B—Coquille Forest***
 13 ***Fairness***

14 ***SEC. 26021. SHORT TITLE.***

15 *This subtitle may be cited as the “Coquille Forest Fair-*
 16 *ness Act”.*

17 ***SEC. 26022. AMENDMENTS TO COQUILLE RESTORATION***
 18 ***ACT.***

19 *Section 5(d) of the Coquille Restoration Act (25 U.S.C.*
 20 *715c(d)) is amended—*

21 *(1) by striking paragraph (5) and inserting the*
 22 *following:*

23 *“(5) MANAGEMENT.—*

24 *“(A) IN GENERAL.—Subject to subpara-*
 25 *graph (B), the Secretary, acting through the As-*

1 *sistant Secretary for Indian Affairs, shall man-*
 2 *age the Coquille Forest in accordance with the*
 3 *laws pertaining to the management of Indian*
 4 *trust land.*

5 “(B) ADMINISTRATION.—

6 “(i) UNPROCESSED LOGS.—*Unproc-*
 7 *essed logs harvested from the Coquille Forest*
 8 *shall be subject to the same Federal statu-*
 9 *tory restrictions on export to foreign na-*
 10 *tions that apply to unprocessed logs har-*
 11 *vested from Federal land.*

12 “(ii) SALES OF TIMBER.—*Notwith-*
 13 *standing any other provision of law, all*
 14 *sales of timber from land subject to this sub-*
 15 *section shall be advertised, offered, and*
 16 *awarded according to competitive bidding*
 17 *practices, with sales being awarded to the*
 18 *highest responsible bidder.”;*

19 (2) *by striking paragraph (9); and*

20 (3) *by redesignating paragraphs (10) through*
 21 *(12) as paragraphs (9) through (11), respectively.*

22 ***Subtitle C—Oregon Coastal Lands***

23 ***SEC. 26031. SHORT TITLE.***

24 *This subtitle may be cited as the “Oregon Coastal*
 25 *Lands Act”.*

1 **SEC. 26032. DEFINITIONS.**

2 *In this subtitle:*

3 (1) *CONFEDERATED TRIBES.*—*The term “Confed-*
4 *erated Tribes” means the Confederated Tribes of Coos,*
5 *Lower Umpqua, and Siuslaw Indians.*

6 (2) *OREGON COASTAL LAND.*—*The term “Oregon*
7 *Coastal land” means the approximately 14,408 acres*
8 *of land, as generally depicted on the map entitled*
9 *“Oregon Coastal Land Conveyance” and dated March*
10 *27, 2013.*

11 (3) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of the Interior.*

13 **SEC. 26033. CONVEYANCE.**

14 (a) *IN GENERAL.*—*Subject to valid existing rights, in-*
15 *cluding rights-of-way, all right, title, and interest of the*
16 *United States in and to the Oregon Coastal land, including*
17 *any improvements located on the land, appurtenances to*
18 *the land, and minerals on or in the land, including oil and*
19 *gas, shall be—*

20 (1) *held in trust by the United States for the*
21 *benefit of the Confederated Tribes; and*

22 (2) *part of the reservation of the Confederated*
23 *Tribes.*

24 (b) *SURVEY.*—*Not later than 1 year after the date of*
25 *enactment of this Act, the Secretary shall complete a survey*

1 *of the boundary lines to establish the boundaries of the land*
2 *taken into trust under subsection (a).*

3 **SEC. 26034. MAP AND LEGAL DESCRIPTION.**

4 *(a) IN GENERAL.—As soon as practicable after the*
5 *date of enactment of this Act, the Secretary shall file a map*
6 *and legal description of the Oregon Coastal land with—*

7 *(1) the Committee on Energy and Natural Re-*
8 *sources of the Senate; and*

9 *(2) the Committee on Natural Resources of the*
10 *House of Representatives.*

11 *(b) FORCE AND EFFECT.—The map and legal descrip-*
12 *tion filed under subsection (a) shall have the same force and*
13 *effect as if included in this subtitle, except that the Sec-*
14 *retary may correct any clerical or typographical errors in*
15 *the map or legal description.*

16 *(c) PUBLIC AVAILABILITY.—The map and legal de-*
17 *scription filed under subsection (a) shall be on file and*
18 *available for public inspection in the Office of the Secretary.*

19 **SEC. 26035. ADMINISTRATION.**

20 *(a) IN GENERAL.—Unless expressly provided in this*
21 *subtitle, nothing in this subtitle affects any right or claim*
22 *of the Confederated Tribes existing on the date of enactment*
23 *of this Act to any land or interest in land.*

24 *(b) PROHIBITIONS.—*

1 (1) *EXPORTS OF UNPROCESSED LOGS.*—Federal
2 *law (including regulations) relating to the export of*
3 *unprocessed logs harvested from Federal land shall*
4 *apply to any unprocessed logs that are harvested from*
5 *the Oregon Coastal land taken into trust under sec-*
6 *tion 26033.*

7 (2) *NON-PERMISSIBLE USE OF LAND.*—Any real
8 *property taken into trust under section 26033 shall*
9 *not be eligible, or used, for any gaming activity car-*
10 *ried out under Public Law 100–497 (25 U.S.C. 2701*
11 *et seq.).*

12 (c) *LAWS APPLICABLE TO COMMERCIAL FORESTRY AC-*
13 *TIVITY.*—Any commercial forestry activity that is carried
14 *out on the Oregon Coastal land taken into trust under sec-*
15 *tion 26033 shall be managed in accordance with all appli-*
16 *cable Federal laws.*

17 (d) *AGREEMENTS.*—The Confederated Tribes shall con-
18 *sult with the Secretary and other parties as necessary to*
19 *develop agreements to provide for access to the Oregon*
20 *Coastal land taken into trust under section 26033 that pro-*
21 *vide for—*

22 (1) *honoring existing reciprocal right-of-way*
23 *agreements;*

24 (2) *administrative access by the Bureau of Land*
25 *Management; and*

1 (3) *management of the Oregon Coastal lands*
2 *that are acquired or developed under chapter 2003 of*
3 *title 54, United States Code (commonly known as the*
4 *“Land and Water Conservation Fund Act of 1965”),*
5 *consistent with section 200305(f)(3) of that title.*

6 (e) *LAND USE PLANNING REQUIREMENTS.—Except as*
7 *provided in subsection (c), once the Oregon Coastal land*
8 *is taken into trust under section 26033, the land shall not*
9 *be subject to the land use planning requirements of the Fed-*
10 *eral Land Policy and Management Act of 1976 (43 U.S.C.*
11 *1701 et seq.) or the Act of August 28, 1937 (43 U.S.C. 1181a*
12 *et seq.).*

13 **SEC. 26036. LAND RECLASSIFICATION.**

14 (a) *IDENTIFICATION OF OREGON AND CALIFORNIA*
15 *RAILROAD GRANT LAND.—Not later than 180 days after*
16 *the date of enactment of this Act, the Secretary of Agri-*
17 *culture and the Secretary shall identify any Oregon and*
18 *California Railroad grant land that is held in trust by the*
19 *United States for the benefit of the Confederated Tribes*
20 *under section 26033.*

21 (b) *IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not*
22 *later than 18 months after the date of enactment of this*
23 *Act, the Secretary shall identify public domain land in the*
24 *State of Oregon that—*

1 (1) *is approximately equal in acreage and condi-*
 2 *tion as the Oregon and California Railroad grant*
 3 *land identified under subsection (a); and*

4 (2) *is located in the vicinity of the Oregon and*
 5 *California Railroad grant land.*

6 (c) *MAPS.*—*Not later than 2 years after the date of*
 7 *enactment of this Act, the Secretary shall submit to Con-*
 8 *gress and publish in the Federal Register one or more maps*
 9 *depicting the land identified in subsections (a) and (b).*

10 (d) *RECLASSIFICATION.*—

11 (1) *IN GENERAL.*—*After providing an oppor-*
 12 *tunity for public comment, the Secretary shall reclas-*
 13 *sify the land identified in subsection (b) as Oregon*
 14 *and California Railroad grant land.*

15 (2) *APPLICABILITY.*—*The Act of August 28, 1937*
 16 *(43 U.S.C. 1181a et seq.), shall apply to land reclas-*
 17 *sified as Oregon and California Railroad grant land*
 18 *under paragraph (1).*

19 ***DIVISION D—SCIENCE***
 20 ***TITLE V—DEPARTMENT OF***
 21 ***ENERGY SCIENCE***

22 ***SEC. 501. MISSION.***

23 *Section 209 of the Department of Energy Organization*
 24 *Act (42 U.S.C. 7139) is amended by adding at the end the*
 25 *following:*

1 “(c) *MISSION.*—*The mission of the Office of Science*
2 *shall be the delivery of scientific discoveries, capabilities,*
3 *and major scientific tools to transform the understanding*
4 *of nature and to advance the energy, economic, and na-*
5 *tional security of the United States. In support of this mis-*
6 *sion, the Director shall carry out programs on basic energy*
7 *sciences, advanced scientific computing research, high en-*
8 *ergy physics, biological and environmental research, fusion*
9 *energy sciences, and nuclear physics, including as provided*
10 *under subtitle A of title V of the America COMPETES Re-*
11 *authorization Act of 2015, through activities focused on—*

12 “(1) *fundamental scientific discoveries through*
13 *the study of matter and energy;*

14 “(2) *science in the national interest, including—*

15 “(A) *advancing an agenda for American*
16 *energy security through research on energy pro-*
17 *duction, storage, transmission, efficiency, and*
18 *use; and*

19 “(B) *advancing our understanding of the*
20 *Earth’s climate through research in atmospheric*
21 *and environmental sciences; and*

22 “(3) *National Scientific User Facilities to de-*
23 *liver the 21st century tools of science, engineering,*
24 *and technology and provide the Nation’s researchers*
25 *with the most advanced tools of modern science in-*

1 *cluding accelerators, colliders, supercomputers, light*
2 *sources and neutron sources, and facilities for study-*
3 *ing materials science.*

4 *“(d) COORDINATION WITH OTHER DEPARTMENT OF*
5 *ENERGY PROGRAMS.—The Under Secretary for Science and*
6 *Energy shall ensure the coordination of Office of Science*
7 *activities and programs with other activities of the Depart-*
8 *ment.”.*

9 **SEC. 502. BASIC ENERGY SCIENCES.**

10 *(a) PROGRAM.—The Director shall carry out a pro-*
11 *gram in basic energy sciences, including materials sciences*
12 *and engineering, chemical sciences, physical biosciences,*
13 *and geosciences, for the purpose of providing the scientific*
14 *foundations for new energy technologies.*

15 *(b) MISSION.—The mission of the program described*
16 *in subsection (a) shall be to support fundamental research*
17 *to understand, predict, and ultimately control matter and*
18 *energy at the electronic, atomic, and molecular levels in*
19 *order to provide the foundations for new energy technologies*
20 *and to support Department missions in energy, environ-*
21 *ment, and national security.*

22 *(c) BASIC ENERGY SCIENCES USER FACILITIES.—The*
23 *Director shall carry out a subprogram for the development,*
24 *construction, operation, and maintenance of national user*
25 *facilities to support the program under this section. As*

1 *practicable, these facilities shall serve the needs of the De-*
2 *partment, industry, the academic community, and other*
3 *relevant entities to create and examine new materials and*
4 *chemical processes for the purposes of advancing new energy*
5 *technologies and improving the competitiveness of the*
6 *United States. These facilities shall include—*

- 7 (1) *x-ray light sources;*
- 8 (2) *neutron sources;*
- 9 (3) *nanoscale science research centers; and*
- 10 (4) *other facilities the Director considers appro-*
11 *priate, consistent with section 209 of the Department*
12 *of Energy Organization Act (42 U.S.C. 7139).*

13 (d) *LIGHT SOURCE LEADERSHIP INITIATIVE.—*

14 (1) *ESTABLISHMENT.—In support of the subpro-*
15 *gram authorized in subsection (c), the Director shall*
16 *establish an initiative to sustain and advance global*
17 *leadership of light source user facilities.*

18 (2) *LEADERSHIP STRATEGY.—Not later than 9*
19 *months after the date of enactment of this Act, and*
20 *biennially thereafter, the Director shall prepare, in*
21 *consultation with relevant stakeholders, and submit to*
22 *the Committee on Science, Space, and Technology of*
23 *the House of Representatives and the Committee on*
24 *Energy and Natural Resources of the Senate a light*
25 *source leadership strategy that—*

1 (A) identifies, prioritizes, and describes
2 plans for the development, construction, and op-
3 eration of light sources over the next decade;

4 (B) describes plans for optimizing manage-
5 ment and use of existing light source facilities;
6 and

7 (C) assesses the international outlook for
8 light source user facilities and describes plans for
9 United States cooperation in such projects.

10 (3) *ADVISORY COMMITTEE FEEDBACK AND REC-*
11 *COMMENDATIONS.*—Not later than 45 days after sub-
12 mission of the strategy described in paragraph (2),
13 the Basic Energy Sciences Advisory Committee shall
14 provide the Director, the Committee on Science,
15 Space, and Technology of the House of Representa-
16 tives, and the Committee on Energy and Natural Re-
17 sources of the Senate a report of the Advisory Com-
18 mittee’s analyses, findings, and recommendations for
19 improving the strategy, including a review of the
20 most recent budget request for the initiative.

21 (4) *PROPOSED BUDGET.*—The Director shall
22 transmit annually to Congress a proposed budget cor-
23 responding to the activities identified in the strategy.

24 (e) *ACCELERATOR RESEARCH AND DEVELOPMENT.*—
25 The Director shall carry out research and development on

1 *advanced accelerator and storage ring technologies relevant*
2 *to the development of Basic Energy Sciences user facilities,*
3 *in consultation with the Office of Science's High Energy*
4 *Physics and Nuclear Physics programs.*

5 (f) *ENERGY FRONTIER RESEARCH CENTERS.—*

6 (1) *IN GENERAL.—The Director shall carry out*
7 *a program to provide awards, on a competitive,*
8 *merit-reviewed basis, to multi-institutional collabora-*
9 *tions or other appropriate entities to conduct funda-*
10 *mental and use-inspired energy research to accelerate*
11 *scientific breakthroughs.*

12 (2) *COLLABORATIONS.—A collaboration receiving*
13 *an award under this subsection may include multiple*
14 *types of institutions and private sector entities.*

15 (3) *SELECTION AND DURATION.—*

16 (A) *IN GENERAL.—A collaboration under*
17 *this subsection shall be selected for a period of 5*
18 *years. An Energy Frontier Research Center al-*
19 *ready in existence and supported by the Director*
20 *on the date of enactment of this Act may con-*
21 *tinue to receive support for a period of 5 years*
22 *beginning on the date of establishment of that*
23 *center.*

24 (B) *REAPPLICATION.—After the end of the*
25 *period described in subparagraph (A), an*

1 awardee may reapply for selection for a second
2 period of 5 years on a competitive, merit-re-
3 viewed basis.

4 (C) *TERMINATION.*—Consistent with the ex-
5 isting authorities of the Department, the Direc-
6 tor may terminate an underperforming center
7 for cause during the performance period.

8 (4) *NO FUNDING FOR CONSTRUCTION.*—No fund-
9 ing provided pursuant to this subsection may be used
10 for the construction of new buildings or facilities.

11 **SEC. 503. ADVANCED SCIENTIFIC COMPUTING RESEARCH.**

12 (a) *PROGRAM.*—The Director shall carry out a re-
13 search, development, and demonstration program to ad-
14 vance computational and networking capabilities to ana-
15 lyze, model, simulate, and predict complex phenomena rel-
16 evant to the development of new energy technologies and
17 the competitiveness of the United States.

18 (b) *FACILITIES.*—The Director, as part of the program
19 described in subsection (a), shall develop and maintain
20 world-class computing and network facilities for science
21 and deliver critical research in applied mathematics, com-
22 puter science, and advanced networking to support the De-
23 partment's missions.

24 (c) *DEFINITIONS.*—Section 2 of the Department of En-
25 ergy High-End Computing Revitalization Act of 2004 (15

1 *U.S.C. 5541) is amended by striking paragraphs (1)*
2 *through (5) and inserting the following:*

3 “(1) *CO-DESIGN.*—*The term ‘co-design’ means*
4 *the joint development of application algorithms, mod-*
5 *els, and codes with computer technology architectures*
6 *and operating systems to maximize effective use of*
7 *high-end computing systems.*

8 “(2) *DEPARTMENT.*—*The term ‘Department’*
9 *means the Department of Energy.*

10 “(3) *EXASCALE.*—*The term ‘exascale’ means*
11 *computing system performance at or near 10 to the*
12 *18th power floating point operations per second.*

13 “(4) *HIGH-END COMPUTING SYSTEM.*—*The term*
14 *‘high-end computing system’ means a computing sys-*
15 *tem with performance that substantially exceeds that*
16 *of systems that are commonly available for advanced*
17 *scientific and engineering applications.*

18 “(5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
19 *term ‘institution of higher education’ has the meaning*
20 *given the term in section 2 of the Energy Policy Act*
21 *of 2005 (42 U.S.C. 15801).*

22 “(6) *LEADERSHIP SYSTEM.*—*The term ‘leader-*
23 *ship system’ means a high-end computing system that*
24 *is among the most advanced in the world in terms of*

1 *performance in solving scientific and engineering*
 2 *problems.*

3 “(7) *NATIONAL LABORATORY.*—*The term ‘Na-*
 4 *tional Laboratory’ means any one of the seventeen*
 5 *laboratories owned by the Department.*

6 “(8) *SECRETARY.*—*The term ‘Secretary’ means*
 7 *the Secretary of Energy.*

8 “(9) *SOFTWARE TECHNOLOGY.*—*The term ‘soft-*
 9 *ware technology’ includes optimal algorithms, pro-*
 10 *gramming environments, tools, languages, and oper-*
 11 *ating systems for high-end computing systems.”.*

12 *(d) DEPARTMENT OF ENERGY HIGH-END COMPUTING*
 13 *RESEARCH AND DEVELOPMENT PROGRAM.*—*Section 3 of*
 14 *the Department of Energy High-End Computing Revital-*
 15 *ization Act of 2004 (15 U.S.C. 5542) is amended—*

16 *(1) in subsection (a)—*

17 *(A) in paragraph (1), by striking “pro-*
 18 *gram” and inserting “coordinated program*
 19 *across the Department”;*

20 *(B) by striking “and” at the end of para-*
 21 *graph (1);*

22 *(C) by striking the period at the end of*
 23 *paragraph (2) and inserting “; and”;* and

24 *(D) by adding at the end the following new*
 25 *paragraph:*

1 “(3) partner with universities, National Labora-
2 tories, and industry to ensure the broadest possible
3 application of the technology developed in this pro-
4 gram to other challenges in science, engineering, med-
5 icine, and industry.”;

6 (2) in subsection (b)(2), by striking “vector” and
7 all that follows through “architectures” and inserting
8 “computer technologies that show promise of substan-
9 tial reductions in power requirements and substantial
10 gains in parallelism of multicore processors, con-
11 currency, memory and storage, bandwidth, and reli-
12 ability”; and

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

15 “(d) EXASCALE COMPUTING PROGRAM.—

16 “(1) IN GENERAL.—The Secretary shall conduct
17 a coordinated research program to develop exascale
18 computing systems to advance the missions of the De-
19 partment.

20 “(2) EXECUTION.—The Secretary shall, through
21 competitive merit review, establish two or more Na-
22 tional Laboratory-industry-university partnerships to
23 conduct integrated research, development, and engi-
24 neering of multiple exascale architectures, and—

1 “(A) conduct mission-related co-design ac-
2 tivities in developing such exascale platforms;

3 “(B) develop those advancements in hard-
4 ware and software technology required to fully
5 realize the potential of an exascale production
6 system in addressing Department target applica-
7 tions and solving scientific problems involving
8 predictive modeling and simulation and large-
9 scale data analytics and management; and

10 “(C) explore the use of exascale computing
11 technologies to advance a broad range of science
12 and engineering.

13 “(3) ADMINISTRATION.—In carrying out this
14 program, the Secretary shall—

15 “(A) provide, on a competitive, merit-re-
16 viewed basis, access for researchers in United
17 States industry, institutions of higher education,
18 National Laboratories, and other Federal agen-
19 cies to these exascale systems, as appropriate;
20 and

21 “(B) conduct outreach programs to increase
22 the readiness for the use of such platforms by do-
23 mestic industries, including manufacturers.

24 “(4) REPORTS.—

1 “(A) *INTEGRATED STRATEGY AND PROGRAM*
2 *MANAGEMENT PLAN.*—*The Secretary shall submit*
3 *to Congress, not later than 90 days after the date*
4 *of enactment of the America COMPETES Reau-*
5 *thorization Act of 2015, a report outlining an*
6 *integrated strategy and program management*
7 *plan, including target dates for prototypical and*
8 *production exascale platforms, interim mile-*
9 *stones to reaching these targets, functional re-*
10 *quirements, roles and responsibilities of National*
11 *Laboratories and industry, acquisition strategy,*
12 *and estimated resources required, to achieve this*
13 *exascale system capability. The report shall in-*
14 *clude the Secretary’s plan for Departmental or-*
15 *ganization to manage and execute the Exascale*
16 *Computing Program, including definition of the*
17 *roles and responsibilities within the Department*
18 *to ensure an integrated program across the De-*
19 *partment. The report shall also include a plan*
20 *for ensuring balance and prioritizing across*
21 *ASCR subprograms in a flat or slow-growth*
22 *budget environment.*

23 “(B) *STATUS REPORTS.*—*At the time of the*
24 *budget submission of the Department for each*
25 *fiscal year, the Secretary shall submit a report*

1 to Congress that describes the status of milestones
2 and costs in achieving the objectives of the
3 exascale computing program.

4 “(C) *EXASCALE MERIT REPORT*.—At least
5 18 months prior to the initiation of construction
6 or installation of any exascale-class computing
7 facility, the Secretary shall transmit a plan to
8 the Congress detailing—

9 “(i) the proposed facility’s cost projec-
10 tions and capabilities to significantly accel-
11 erate the development of new energy tech-
12 nologies;

13 “(ii) technical risks and challenges that
14 must be overcome to achieve successful com-
15 pletion and operation of the facility; and

16 “(iii) an independent assessment of the
17 scientific and technological advances ex-
18 pected from such a facility relative to those
19 expected from a comparable investment in
20 expanded research and applications at
21 terascale-class and petascale-class com-
22 puting facilities, including an evaluation of
23 where investments should be made in the
24 system software and algorithms to enable
25 these advances.”.

1 **SEC. 504. HIGH ENERGY PHYSICS.**

2 (a) *PROGRAM.*—*The Director shall carry out a re-*
3 *search program on the fundamental constituents of matter*
4 *and energy and the nature of space and time.*

5 (b) *SENSE OF CONGRESS.*—*It is the sense of the Con-*
6 *gress that—*

7 (1) *the Director should incorporate the findings*
8 *and recommendations of the Particle Physics Project*
9 *Prioritization Panel’s report entitled “Building for*
10 *Discovery: Strategic Plan for U.S. Particle Physics in*
11 *the Global Context”, into the Department’s planning*
12 *process as part of the program described in subsection*
13 *(a);*

14 (2) *the Director should prioritize domestically*
15 *hosted research projects that will maintain the United*
16 *States position as a global leader in particle physics*
17 *and attract the world’s most talented physicists and*
18 *foreign investment for international collaboration;*
19 *and*

20 (3) *the nations that lead in particle physics by*
21 *hosting international teams dedicated to a common*
22 *scientific goal attract the world’s best talent and in-*
23 *spire future generations of physicists and tech-*
24 *nologists.*

25 (c) *NEUTRINO RESEARCH.*—*As part of the program*
26 *described in subsection (a), the Director shall carry out re-*

1 *search activities on rare decay processes and the nature of*
2 *the neutrino, which may include collaborations with the*
3 *National Science Foundation or international collabora-*
4 *tions.*

5 *(d) DARK ENERGY AND DARK MATTER RESEARCH.—*
6 *As part of the program described in subsection (a), the Di-*
7 *rector shall carry out research activities on the nature of*
8 *dark energy and dark matter, which may include collabora-*
9 *tions with the National Aeronautics and Space Administra-*
10 *tion or the National Science Foundation, or international*
11 *collaborations.*

12 *(e) ACCELERATOR RESEARCH AND DEVELOPMENT.—*
13 *The Director shall carry out research and development in*
14 *advanced accelerator concepts and technologies, including*
15 *laser technologies, to reduce the necessary scope and cost*
16 *for the next generation of particle accelerators. The Director*
17 *shall ensure access to national laboratory accelerator facili-*
18 *ties, infrastructure, and technology for users and developers*
19 *of accelerators that advance applications in energy and the*
20 *environment, medicine, industry, national security, and*
21 *discovery science.*

22 *(f) INTERNATIONAL COLLABORATION.—The Director,*
23 *as practicable and in coordination with other appropriate*
24 *Federal agencies as necessary, shall ensure the access of*
25 *United States researchers to the most advanced accelerator*

1 *facilities and research capabilities in the world, including*
2 *the Large Hadron Collider.*

3 **SEC. 505. BIOLOGICAL AND ENVIRONMENTAL RESEARCH.**

4 (a) *PROGRAM.*—*The Director shall carry out a pro-*
5 *gram of research, development, and demonstration in the*
6 *areas of biological systems science and climate and environ-*
7 *mental science to support the energy and environmental*
8 *missions of the Department.*

9 (b) *PRIORITY RESEARCH.*—*In carrying out this sec-*
10 *tion, the Director shall prioritize fundamental research on*
11 *biological systems and genomics science with the greatest*
12 *potential to enable scientific discovery.*

13 (c) *ASSESSMENT.*—*Not later than 12 months after the*
14 *date of enactment of this Act, the Comptroller General shall*
15 *submit a report to Congress identifying climate science-re-*
16 *lated initiatives under this section that overlap or duplicate*
17 *initiatives of other Federal agencies and the extent of such*
18 *overlap or duplication.*

19 (d) *LIMITATION.*—*The Director shall not approve new*
20 *climate science-related initiatives to be carried out through*
21 *the Office of Science without making a determination that*
22 *such work is unique and not duplicative of work by other*
23 *Federal agencies. Not later than 3 months after receiving*
24 *the assessment required under subsection (c), the Director*
25 *shall cease those climate science-related initiatives identi-*

1 *fied in the assessment as overlapping or duplicative, unless*
2 *the Director justifies that such work is critical to achieving*
3 *American energy security.*

4 *(e) LOW DOSE RADIATION RESEARCH PROGRAM.—*

5 *(1) IN GENERAL.—The Director of the Depart-*
6 *ment of Energy Office of Science shall carry out a re-*
7 *search program on low dose radiation. The purpose of*
8 *the program is to enhance the scientific under-*
9 *standing of and reduce uncertainties associated with*
10 *the effects of exposure to low dose radiation in order*
11 *to inform improved risk management methods.*

12 *(2) STUDY.—Not later than 60 days after the*
13 *date of enactment of this Act, the Director shall enter*
14 *into an agreement with the National Academies to*
15 *conduct a study assessing the current status and de-*
16 *velopment of a long-term strategy for low dose radi-*
17 *ation research. Such study shall be completed not*
18 *later than 18 months after the date of enactment of*
19 *this Act. The study shall be conducted in coordination*
20 *with Federal agencies that perform ionizing radiation*
21 *effects research and shall leverage the most current*
22 *studies in this field. Such study shall—*

23 *(A) identify current scientific challenges for*
24 *understanding the long-term effects of ionizing*
25 *radiation;*

1 (B) assess the status of current low dose ra-
2 diation research in the United States and inter-
3 nationally;

4 (C) formulate overall scientific goals for the
5 future of low-dose radiation research in the
6 United States;

7 (D) recommend a long-term strategic and
8 prioritized research agenda to address scientific
9 research goals for overcoming the identified sci-
10 entific challenges in coordination with other re-
11 search efforts;

12 (E) define the essential components of a re-
13 search program that would address this research
14 agenda within the universities and the National
15 Laboratories; and

16 (F) assess the cost-benefit effectiveness of
17 such a program.

18 (3) *RESEARCH PLAN*.—Not later than 90 days
19 after the completion of the study performed under
20 paragraph (2) the Secretary of Energy shall deliver
21 to the Committee on Science, Space, and Technology
22 of the House of Representatives and the Committee on
23 Energy and Natural Resources of the Senate a 5-year
24 research plan that responds to the study's findings

1 *and recommendations and identifies and prioritizes*
2 *research needs.*

3 (4) *DEFINITION.—In this subsection, the term*
4 *“low dose radiation” means a radiation dose of less*
5 *than 100 millisieverts.*

6 (5) *RULE OF CONSTRUCTION.—Nothing in this*
7 *subsection shall be construed to subject any research*
8 *carried out by the Director under the research pro-*
9 *gram under this subsection to any limitations de-*
10 *scribed in section 977(e) of the Energy Policy Act of*
11 *2005 (42 U.S.C. 16317(e)).*

12 **SEC. 506. FUSION ENERGY.**

13 (a) *PROGRAM.—The Director shall carry out a fusion*
14 *energy sciences research program to expand the funda-*
15 *mental understanding of plasmas and matter at very high*
16 *temperatures and densities and to build the scientific foun-*
17 *dition necessary to enable fusion power.*

18 (b) *FUSION MATERIALS RESEARCH AND DEVELOP-*
19 *MENT.—As part of the activities authorized in section 978*
20 *of the Energy Policy Act of 2005 (42 U.S.C. 16318)—*

21 (1) *the Director, in coordination with the Assist-*
22 *ant Secretary for Nuclear Energy of the Department,*
23 *shall carry out research and development activities to*
24 *identify, characterize, and demonstrate materials that*

1 *can endure the neutron, plasma, and heat fluxes ex-*
2 *pected in a fusion power system; and*

3 *(2) the Secretary shall—*

4 *(A) provide an assessment of the need for a*
5 *facility or facilities that can examine and test*
6 *potential fusion and next generation fission ma-*
7 *terials and other enabling technologies relevant*
8 *to the development of fusion power; and*

9 *(B) provide an assessment of whether a sin-*
10 *gle new facility that substantially addresses*
11 *magnetic fusion and next generation fission ma-*
12 *terials research needs is feasible, in conjunction*
13 *with the expected capabilities of facilities oper-*
14 *ational as of the date of enactment of this Act.*

15 *(c) TOKAMAK RESEARCH AND DEVELOPMENT.—*

16 *(1) IN GENERAL.—As part of the program de-*
17 *scribed in subsection (a), the Director shall support*
18 *research and development activities and facility oper-*
19 *ations to optimize the tokamak approach to fusion en-*
20 *ergy.*

21 *(2) ITER.—*

22 *(A) REPORT.—Not later than 1 year after*
23 *the date of enactment of this Act, the Secretary*
24 *shall submit to Congress a report providing an*
25 *assessment of—*

1 (i) the most recent schedule for ITER
2 that has been approved by the ITER Coun-
3 cil; and

4 (ii) progress of the ITER Council and
5 the ITER Director General toward imple-
6 mentation of the recommendations of the
7 Third Biennial International Organization
8 Management Assessment Report.

9 (B) *FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.*—Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended by adding at the end the following: “For purposes of this section, with respect to international research projects, the term ‘private facilities or laboratories’ shall refer to facilities or laboratories located in the United States.”.

18 (C) *SENSE OF CONGRESS.*—It is the sense of
19 Congress that the United States should support
20 a robust, diverse fusion program. It is further
21 the sense of Congress that developing the sci-
22 entific basis for fusion, providing research results
23 key to the success of ITER, and training the next
24 generation of fusion scientists are of critical im-
25 portance to the United States and should in no

1 *way be diminished by participation of the*
2 *United States in the ITER project.*

3 *(d) INERTIAL FUSION ENERGY RESEARCH AND DE-*
4 *VELOPMENT PROGRAM.—The Secretary shall carry out a*
5 *program of research and technology development in inertial*
6 *fusion for energy applications, including ion beam, laser,*
7 *and pulsed power fusion systems.*

8 *(e) ALTERNATIVE AND ENABLING CONCEPTS.—*

9 *(1) IN GENERAL.—As part of the program de-*
10 *scribed in subsection (a), the Director shall support*
11 *research and development activities and facility oper-*
12 *ations at United States universities, national labora-*
13 *tories, and private facilities for a portfolio of alter-*
14 *native and enabling fusion energy concepts that may*
15 *provide solutions to significant challenges to the es-*
16 *tablishment of a commercial magnetic fusion power*
17 *plant, prioritized based on the ability of the United*
18 *States to play a leadership role in the international*
19 *fusion research community. Fusion energy concepts*
20 *and activities explored under this paragraph may in-*
21 *clude—*

22 *(A) high magnetic field approaches facili-*
23 *tated by high temperature superconductors;*

24 *(B) advanced stellarator concepts;*

1 (C) *non-tokamak confinement configura-*
2 *tions operating at low magnetic fields;*

3 (D) *magnetized target fusion energy con-*
4 *cepts;*

5 (E) *liquid metals to address issues associ-*
6 *ated with fusion plasma interactions with the*
7 *inner wall of the encasing device;*

8 (F) *immersion blankets for heat manage-*
9 *ment and fuel breeding;*

10 (G) *advanced scientific computing activi-*
11 *ties; and*

12 (H) *other promising fusion energy concepts*
13 *identified by the Director.*

14 (2) *COORDINATION WITH ARPA-E.—The Under*
15 *Secretary and the Director shall coordinate with the*
16 *Director of the Advanced Research Projects Agency–*
17 *Energy (in this paragraph referred to as “ARPA-E”)*
18 *to—*

19 (A) *assess the potential for any fusion en-*
20 *ergy project supported by ARPA-E to represent*
21 *a promising approach to a commercially viable*
22 *fusion power plant;*

23 (B) *determine whether the results of any fu-*
24 *sion energy project supported by ARPA-E merit*

1 *the support of follow-on research activities car-*
2 *ried out by the Office of Science; and*

3 *(C) avoid unintentional duplication of ac-*
4 *tivities.*

5 *(f) GENERAL PLASMA SCIENCE AND APPLICATIONS.—*

6 *Not later than 2 years after the date of enactment of this*
7 *Act, the Secretary shall provide to Congress an assessment*
8 *of opportunities in which the United States can provide*
9 *world-leading contributions to advancing plasma science*
10 *and non-fusion energy applications, and identify opportu-*
11 *nities for partnering with other Federal agencies both with-*
12 *in and outside of the Department of Energy.*

13 *(g) IDENTIFICATION OF PRIORITIES.—*

14 *(1) REPORT.—Not later than 2 years after the*
15 *date of enactment of this Act, the Secretary shall*
16 *transmit to Congress a report on the Department’s*
17 *proposed fusion energy research and development ac-*
18 *tivities over the following 10 years under at least 3*
19 *realistic budget scenarios, including a scenario based*
20 *on 3 percent annual growth in the non-ITER portion*
21 *of the budget for fusion energy research and develop-*
22 *ment activities. The report shall—*

23 *(A) identify specific areas of fusion energy*
24 *research and enabling technology development in*
25 *which the United States can and should establish*

1 or solidify a lead in the global fusion energy de-
2 velopment effort;

3 (B) identify priorities for initiation of fa-
4 cility construction and facility decommissioning
5 under each of those scenarios; and

6 (C) assess the ability of the United States
7 fusion workforce to carry out the activities iden-
8 tified in subparagraphs (A) and (B), including
9 the adequacy of college and university programs
10 to train the leaders and workers of the next gen-
11 eration of fusion energy researchers.

12 (2) *PROCESS.*—In order to develop the report re-
13 quired under paragraph (1), the Secretary shall lever-
14 age best practices and lessons learned from the process
15 used to develop the most recent report of the Particle
16 Physics Project Prioritization Panel of the High En-
17 ergy Physics Advisory Panel. No member of the Fu-
18 sion Energy Sciences Advisory Committee shall be ex-
19 cluded from participating in developing or voting on
20 final approval of the report required under paragraph
21 (1).

22 **SEC. 507. NUCLEAR PHYSICS.**

23 (a) *PROGRAM.*—The Director shall carry out a pro-
24 gram of experimental and theoretical research, and support

1 *associated facilities, to discover, explore, and understand all*
2 *forms of nuclear matter.*

3 *(b) ISOTOPE DEVELOPMENT AND PRODUCTION FOR*
4 *RESEARCH APPLICATIONS.—The Director shall carry out*
5 *a program for the production of isotopes, including the de-*
6 *velopment of techniques to produce isotopes, that the Sec-*
7 *retary determines are needed for research, medical, indus-*
8 *trial, or other purposes. In making this determination, the*
9 *Secretary shall—*

10 *(1) ensure that, as has been the policy of the*
11 *United States since the publication in 1965 of Fed-*
12 *eral Register notice 30 Fed. Reg. 3247, isotope pro-*
13 *duction activities do not compete with private indus-*
14 *try unless critical national interests necessitate the*
15 *Federal Government's involvement;*

16 *(2) ensure that activities undertaken pursuant to*
17 *this section, to the extent practicable, promote the*
18 *growth of a robust domestic isotope production indus-*
19 *try; and*

20 *(3) consider any relevant recommendations made*
21 *by Federal advisory committees, the National Acad-*
22 *emies, and interagency working groups in which the*
23 *Department participates.*

1 **SEC. 508. SCIENCE LABORATORIES INFRASTRUCTURE PRO-**
2 **GRAM.**

3 (a) *PROGRAM.*—*The Director shall carry out a pro-*
4 *gram to improve the safety, efficiency, and mission readi-*
5 *ness of infrastructure at Office of Science laboratories. The*
6 *program shall include projects to—*

7 (1) *renovate or replace space that does not meet*
8 *research needs;*

9 (2) *replace facilities that are no longer cost effec-*
10 *tive to renovate or operate;*

11 (3) *modernize utility systems to prevent failures*
12 *and ensure efficiency;*

13 (4) *remove excess facilities to allow safe and effi-*
14 *cient operations; and*

15 (5) *construct modern facilities to conduct ad-*
16 *vanced research in controlled environmental condi-*
17 *tions.*

18 (b) *APPROACH.*—*In carrying out this section, the Di-*
19 *rector shall utilize all available approaches and mecha-*
20 *nisms, including capital line items, minor construction*
21 *projects, energy savings performance contracts, utility en-*
22 *ergy service contracts, alternative financing, and expense*
23 *funding, as appropriate.*

24 **SEC. 509. DOMESTIC MANUFACTURING.**

25 *Not later than 1 year after the date of enactment of*
26 *this Act, the Secretary shall transmit to the Committee on*

1 *Science, Space, and Technology of the House of Representa-*
2 *tives and the Committee on Energy and Natural Resources*
3 *of the Senate a report on the current ability of domestic*
4 *manufacturers to meet the procurement requirements for*
5 *major ongoing projects funded by the Office of Science of*
6 *the Department, including a calculation of the percentage*
7 *of equipment acquired from domestic manufacturers for this*
8 *purpose.*

9 **SEC. 510. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *FISCAL YEAR 2016.*—*There are authorized to be*
11 *appropriated to the Secretary for the Office of Science for*
12 *fiscal year 2016 \$5,339,800,000, of which—*

13 (1) *\$1,850,000,000 shall be for Basic Energy*
14 *Science;*

15 (2) *\$788,000,000 shall be for High Energy Phys-*
16 *ics;*

17 (3) *\$550,000,000 shall be for Biological and En-*
18 *vironmental Research;*

19 (4) *\$624,700,000 shall be for Nuclear Physics;*

20 (5) *\$621,000,000 shall be for Advanced Scientific*
21 *Computing Research;*

22 (6) *\$488,000,000 shall be for Fusion Energy*
23 *Sciences;*

24 (7) *\$113,600,000 shall be for Science Labora-*
25 *tories Infrastructure;*

1 (8) \$181,000,000 shall be for Science Program
2 *Direction;*

3 (9) \$103,000,000 shall be for Safeguards and Se-
4 *curity; and*

5 (10) \$20,500,000 shall be for Workforce Develop-
6 *ment for Teachers and Scientists.*

7 **(b) FISCAL YEAR 2017.**—*There are authorized to be*
8 *appropriated to the Secretary for the Office of Science for*
9 *fiscal year 2017 \$5,339,800,000, of which—*

10 (1) \$1,850,000,000 shall be for Basic Energy
11 *Science;*

12 (2) \$788,000,000 shall be for High Energy Phys-
13 *ics;*

14 (3) \$550,000,000 shall be for Biological and En-
15 *vironmental Research;*

16 (4) \$624,700,000 shall be for Nuclear Physics;

17 (5) \$621,000,000 shall be for Advanced Scientific
18 *Computing Research;*

19 (6) \$488,000,000 shall be for Fusion Energy
20 *Sciences;*

21 (7) \$113,600,000 shall be for Science Labora-
22 *tories Infrastructure;*

23 (8) \$181,000,000 shall be for Science Program
24 *Direction;*

1 (9) \$103,000,000 shall be for Safeguards and Se-
2 curity; and

3 (10) \$20,500,000 shall be for Workforce Develop-
4 ment for Teachers and Scientists.

5 **SEC. 511. DEFINITIONS.**

6 *In this title—*

7 (1) the term “Department” means the Depart-
8 ment of Energy;

9 (2) the term “Director” means the Director of the
10 Office of Science of the Department; and

11 (3) the term “Secretary” means the Secretary of
12 Energy.

13 **TITLE VI—DEPARTMENT OF EN-**
14 **ERGY APPLIED RESEARCH**
15 **AND DEVELOPMENT**

16 **Subtitle A—Crosscutting Research**
17 **and Development**

18 **SEC. 601. CROSSCUTTING RESEARCH AND DEVELOPMENT.**

19 (a) *CROSSCUTTING RESEARCH AND DEVELOPMENT.—*
20 *The Secretary shall, through the Under Secretary for*
21 *Science and Energy, utilize the capabilities of the Depart-*
22 *ment to identify strategic opportunities for collaborative re-*
23 *search, development, demonstration, and commercial appli-*
24 *cation of innovative science and technologies for—*

1 (1) *advancing the understanding of the energy-*
2 *water-land use nexus;*

3 (2) *modernizing the electric grid by improving*
4 *energy transmission and distribution systems security*
5 *and resiliency;*

6 (3) *utilizing supercritical carbon dioxide in elec-*
7 *tric power generation;*

8 (4) *subsurface technology and engineering;*

9 (5) *high performance computing;*

10 (6) *cybersecurity; and*

11 (7) *critical challenges identified through com-*
12 *prehensive energy studies, evaluations, and reviews.*

13 (b) *CROSSCUTTING APPROACHES.—To the maximum*
14 *extent practicable, the Secretary shall seek to leverage exist-*
15 *ing programs, and consolidate and coordinate activities,*
16 *throughout the Department to promote collaboration and*
17 *crosscutting approaches within programs.*

18 (c) *ADDITIONAL ACTIONS.—The Secretary shall—*

19 (1) *prioritize activities that promote the utiliza-*
20 *tion of all affordable domestic resources;*

21 (2) *develop a rigorous and realistic planning,*
22 *evaluation, and technical assessment framework for*
23 *setting objective, long-term strategic goals and evalu-*
24 *ating progress that ensures the integrity and inde-*

1 *pendence to insulate planning from political influence*
 2 *and the flexibility to adapt to market dynamics;*

3 *(3) ensure that activities shall be undertaken in*
 4 *a manner that does not duplicate other activities*
 5 *within the Department or other Federal Government*
 6 *activities; and*

7 *(4) identify programs that may be more effec-*
 8 *tively left to the States, industry, nongovernmental*
 9 *organizations, institutions of higher education, or*
 10 *other stakeholders.*

11 **SEC. 602. STRATEGIC RESEARCH PORTFOLIO ANALYSIS**
 12 **AND COORDINATION PLAN.**

13 *Section 994 of Energy Policy Act of 2005 (42 U.S.C.*
 14 *16358) is amended to read as follows:*

15 **“SEC. 994. STRATEGIC RESEARCH PORTFOLIO ANALYSIS**
 16 **AND COORDINATION PLAN.**

17 *“(a) IN GENERAL.—The Secretary shall periodically*
 18 *review all of the science and technology activities of the De-*
 19 *partment in a strategic framework that takes into account*
 20 *the frontiers of science to which the Department can con-*
 21 *tribute, the national needs relevant to the Department’s*
 22 *statutory missions, and global energy dynamics.*

23 *“(b) COORDINATION ANALYSIS AND PLAN.—As part of*
 24 *the review under subsection (a), the Secretary shall develop*
 25 *a plan to improve coordination and collaboration in re-*

1 *search, development, demonstration, and commercial appli-*
2 *cation activities across Department organizational bound-*
3 *aries.*

4 “(c) *PLAN CONTENTS.*—*The plan shall describe—*

5 “(1) *crosscutting scientific and technical issues*
6 *and research questions that span more than one pro-*
7 *gram or major office of the Department;*

8 “(2) *how the applied technology programs of the*
9 *Department are coordinating their activities, and ad-*
10 *dressing those questions;*

11 “(3) *ways in which the technical interchange*
12 *within the Department, particularly between the Of-*
13 *ice of Science and the applied technology programs,*
14 *can be enhanced, including limited ways in which the*
15 *research agendas of the Office of Science and the ap-*
16 *plied programs can better interact and assist each*
17 *other;*

18 “(4) *a description of how the Secretary will en-*
19 *sure that the Department’s overall research agenda*
20 *include, in addition to fundamental, curiosity-driven*
21 *research, fundamental research related to topics of*
22 *concern to the applied programs, and applications in*
23 *Departmental technology programs of research results*
24 *generated by fundamental, curiosity-driven research;*

1 “(5) *critical assessments of any ongoing pro-*
2 *grams that have experienced sub-par performance or*
3 *cost over-runs of 10 percent or more over 1 or more*
4 *years;*

5 “(6) *activities that may be more effectively left*
6 *to the States, industry, nongovernmental organiza-*
7 *tions, institutions of higher education, or other stake-*
8 *holders; and*

9 “(7) *detailed proposals for innovation hubs, in-*
10 *stitutes, and research centers prior to establishment or*
11 *renewal by the Department, including—*

12 “(A) *certification that all hubs, institutes,*
13 *and research centers will advance the mission of*
14 *the Department, and prioritize research, develop-*
15 *ment, and demonstration;*

16 “(B) *certification that the establishment or*
17 *renewal of hubs, institutes, or research centers*
18 *will not diminish funds available for basic re-*
19 *search and development within the Office of*
20 *Science; and*

21 “(C) *certification that all hubs, institutes,*
22 *and research centers established or renewed with-*
23 *in the Office of Science are consistent with the*
24 *mission of the Office of Science as described in*

1 *section 209(c) of the Department of Energy Or-*
 2 *ganization Act (42 U.S.C. 7139(c)).*

3 “(d) *PLAN TRANSMITTAL.*—Not later than 1 year after
 4 *the date of enactment of the America COMPETES Reau-*
 5 *thorization Act of 2015, and every 4 years thereafter, the*
 6 *Secretary shall transmit to the Committee on Science,*
 7 *Space, and Technology of the House of Representatives and*
 8 *the Committee on Energy and Natural Resources of the Sen-*
 9 *ate the results of the review under subsection (a) and the*
 10 *coordination plan under subsection (b).”.*

11 **SEC. 603. STRATEGY FOR FACILITIES AND INFRASTRUC-**
 12 **TURE.**

13 (a) *AMENDMENTS.*—Section 993 of the Energy Policy
 14 *Act of 2005 (42 U.S.C. 16357) is amended—*

15 (1) *by amending the section heading to read as*
 16 *follows: “STRATEGY FOR FACILITIES AND INFRA-*
 17 **STRUCTURE”;** *and*

18 (2) *in subsection (b)(1), by striking “2008” and*
 19 *inserting “2018”.*

20 (b) *TABLE OF CONTENTS AMENDMENT.*—*The item re-*
 21 *lating to section 993 in the table of contents of the Energy*
 22 *Policy Act of 2005 is amended to read as follows:*

 “Sec. 993. *Strategy for facilities and infrastructure.*”.

23 **SEC. 604. ENERGY INNOVATION HUBS.**

24 (a) *AUTHORIZATION OF PROGRAM.*—

1 (1) *IN GENERAL.*—*The Secretary of Energy shall*
2 *carry out a program to enhance the Nation’s eco-*
3 *nomie, environmental, and energy security by making*
4 *awards to consortia for establishing and operating*
5 *Energy Innovation Hubs to conduct and support,*
6 *whenever practicable at one centralized location, mul-*
7 *tidisciplinary, collaborative research, development,*
8 *and demonstration of advanced energy technologies.*

9 (2) *TECHNOLOGY DEVELOPMENT FOCUS.*—*The*
10 *Secretary shall designate for each Hub a unique ad-*
11 *vanced energy technology focus.*

12 (3) *COORDINATION.*—*The Secretary shall ensure*
13 *the coordination of, and avoid unnecessary duplica-*
14 *tion of, the activities of Hubs with those of other De-*
15 *partment of Energy research entities, including the*
16 *National Laboratories, the Advanced Research*
17 *Projects Agency-Energy, Energy Frontier Research*
18 *Centers, and within industry.*

19 (b) *CONSORTIA.*—

20 (1) *ELIGIBILITY.*—*To be eligible to receive an*
21 *award under this section for the establishment and*
22 *operation of a Hub, a consortium shall—*

23 (A) *be composed of no fewer than two quali-*
24 *fying entities; and*

1 (B) operate subject to an agreement entered
2 into by its members that documents—

3 (i) the proposed partnership agree-
4 ment, including the governance and man-
5 agement structure of the Hub;

6 (ii) measures to enable cost-effective
7 implementation of the program under this
8 section;

9 (iii) a proposed budget, including fi-
10 nancial contributions from non-Federal
11 sources;

12 (iv) a plan for managing intellectual
13 property rights; and

14 (v) an accounting structure that en-
15 ables the Secretary to ensure that the con-
16 sortium has complied with the requirements
17 of this section.

18 (2) *APPLICATION.*—A consortium seeking to es-
19 tablish and operate a Hub under this section, acting
20 through a prime applicant, shall transmit to the Sec-
21 retary an application at such time, in such form, and
22 accompanied by such information as the Secretary
23 shall require, including a detailed description of the
24 elements of the consortium agreement required under
25 paragraph (1)(B). If the consortium members will not

1 *be located at one centralized location, such applica-*
2 *tion shall include a communications plan that en-*
3 *sures close coordination and integration of the Hub's*
4 *activities.*

5 *(c) SELECTION AND SCHEDULE.—The Secretary shall*
6 *select consortia for awards for the establishment and oper-*
7 *ation of Hubs through competitive selection processes. In*
8 *selecting consortia, the Secretary shall consider the informa-*
9 *tion a consortium must disclose according to subsection (b),*
10 *as well as any existing facilities a consortium will provide*
11 *for Hub activities. Awards made to a Hub shall be for a*
12 *period not to exceed 5 years, subject to the availability of*
13 *appropriations, after which the award may be renewed,*
14 *subject to a rigorous merit review. A Hub already in exist-*
15 *ence on the date of enactment of this Act may continue to*
16 *receive support for a period of 5 years, subject to the avail-*
17 *ability of appropriations, beginning on the date of estab-*
18 *lishment of that Hub.*

19 *(d) HUB OPERATIONS.—*

20 *(1) IN GENERAL.—Each Hub shall conduct or*
21 *provide for multidisciplinary, collaborative research,*
22 *development, and demonstration of advanced energy*
23 *technologies within the technology development focus*
24 *designated under subsection (a)(2). Each Hub shall—*

1 (A) encourage collaboration and commu-
2 nication among the member qualifying entities
3 of the consortium and awardees by conducting
4 activities whenever practicable at one centralized
5 location;

6 (B) develop and publish on the Department
7 of Energy's website proposed plans and pro-
8 grams;

9 (C) submit an annual report to the Sec-
10 retary summarizing the Hub's activities, includ-
11 ing detailing organizational expenditures, and
12 describing each project undertaken by the Hub;
13 and

14 (D) monitor project implementation and co-
15 ordination.

16 (2) CONFLICTS OF INTEREST.—

17 (A) PROCEDURES.—Hubs shall maintain
18 conflict of interest procedures, consistent with
19 those of the Department of Energy, to ensure
20 that employees and consortia designees for Hub
21 activities who are in decisionmaking capacities
22 disclose all material conflicts of interest, and
23 avoid such conflicts.

24 (B) DISQUALIFICATION AND REVOCATION.—

25 The Secretary may disqualify an application or

1 *revoke funds distributed to a Hub if the Sec-*
2 *retary discovers a failure to comply with conflict*
3 *of interest procedures established under subpara-*
4 *graph (A).*

5 (3) *PROHIBITION ON CONSTRUCTION.—*

6 (A) *IN GENERAL.—No funds provided pur-*
7 *suant to this section may be used for construc-*
8 *tion of new buildings or facilities for Hubs. Con-*
9 *struction of new buildings or facilities shall not*
10 *be considered as part of the non-Federal share of*
11 *a Hub cost-sharing agreement.*

12 (B) *TEST BED AND RENOVATION EXCEP-*
13 *TION.—Nothing in this subsection shall prohibit*
14 *the use of funds provided pursuant to this sec-*
15 *tion, or non-Federal cost share funds, for re-*
16 *search or for the construction of a test bed or*
17 *renovations to existing buildings or facilities for*
18 *the purposes of research if the Secretary deter-*
19 *mines that the test bed or renovations are limited*
20 *to a scope and scale necessary for the research to*
21 *be conducted.*

22 (e) *TERMINATION.—Consistent with the existing au-*
23 *thorities of the Department, the Secretary may terminate*
24 *an underperforming Hub for cause during the performance*
25 *period.*

1 (f) *DEFINITIONS.*—*For purposes of this section:*

2 (1) *ADVANCED ENERGY TECHNOLOGY.*—*The term*
3 *“advanced energy technology” means—*

4 (A) *an innovative technology—*

5 (i) *that produces energy from solar,*
6 *wind, geothermal, biomass, tidal, wave,*
7 *ocean, or other renewable energy resources;*

8 (ii) *that produces nuclear energy;*

9 (iii) *for carbon capture and sequestra-*
10 *tion;*

11 (iv) *that enables advanced vehicles, ve-*
12 *hicle components, and related technologies*
13 *that result in significant energy savings;*

14 (v) *that generates, transmits, distrib-*
15 *utes, utilizes, or stores energy more effi-*
16 *ciently than conventional technologies, in-*
17 *cluding through Smart Grid technologies; or*

18 (vi) *that enhances the energy independ-*
19 *ence and security of the United States by*
20 *enabling improved or expanded supply and*
21 *production of domestic energy resources, in-*
22 *cluding coal, oil, and natural gas;*

23 (B) *research, development, and demonstra-*
24 *tion activities necessary to ensure the long-term,*

1 *secure, and sustainable supply of energy critical*
2 *elements; or*

3 *(C) another innovative energy technology*
4 *area identified by the Secretary.*

5 *(2) HUB.—The term “Hub” means an Energy*
6 *Innovation Hub established or operating in accord-*
7 *ance with this section, including any Energy Innova-*
8 *tion Hub existing as of the date of enactment of this*
9 *Act.*

10 *(3) QUALIFYING ENTITY.—The term “qualifying*
11 *entity” means—*

12 *(A) an institution of higher education;*

13 *(B) an appropriate State or Federal entity,*
14 *including the Department of Energy Federally*
15 *Funded Research and Development Centers;*

16 *(C) a nongovernmental organization with*
17 *expertise in advanced energy technology research,*
18 *development, demonstration, or commercial ap-*
19 *plication; or*

20 *(D) any other relevant entity the Secretary*
21 *considers appropriate.*

1 ***Subtitle B—Electricity Delivery and***
2 ***Energy Reliability Research and***
3 ***Development***

4 ***SEC. 611. DISTRIBUTED ENERGY AND ELECTRIC ENERGY***
5 ***SYSTEMS.***

6 *Section 921 of the Energy Policy Act of 2005 (42*
7 *U.S.C. 16211) is amended to read as follows:*

8 ***“SEC. 921. DISTRIBUTED ENERGY AND ELECTRIC ENERGY***
9 ***SYSTEMS.***

10 *“(a) IN GENERAL.—The Secretary shall carry out pro-*
11 *grams of research, development, demonstration, and com-*
12 *mercial application on distributed energy resources and*
13 *systems reliability and efficiency, to improve the reliability*
14 *and efficiency of distributed energy resources and systems,*
15 *integrating advanced energy technologies with grid*
16 *connectivity, including activities described in this subtitle.*
17 *The programs shall address advanced energy technologies*
18 *and systems and advanced grid security, resiliency, and re-*
19 *liability technologies.*

20 *“(b) OBJECTIVES.—To the maximum extent prac-*
21 *ticable, the Secretary shall seek to—*

22 *“(1) leverage existing programs;*

23 *“(2) consolidate and coordinate activities*
24 *throughout the Department to promote collaboration*
25 *and crosscutting approaches;*

1 “(3) ensure activities are undertaken in a man-
2 ner that does not duplicate other activities within the
3 Department or other Federal Government activities;
4 and

5 “(4) identify programs that may be more effec-
6 tively left to the States, industry, nongovernmental
7 organizations, institutions of higher education, or
8 other stakeholders.”.

9 **SEC. 612. ELECTRIC TRANSMISSION AND DISTRIBUTION RE-**
10 **SEARCH AND DEVELOPMENT.**

11 (a) *AMENDMENTS.*—Section 925 of the Energy Policy
12 Act of 2005 (42 U.S.C. 16215) is amended—

13 (1) by amending the section heading to read as
14 follows: “**ELECTRIC TRANSMISSION AND DIS-**
15 **TRIBUTION RESEARCH AND DEVELOPMENT**”;

16 (2) by amending subsection (a) to read as fol-
17 lows:

18 “(a) *PROGRAM.*—The Secretary shall establish a com-
19 prehensive research, development, and demonstration pro-
20 gram to ensure the reliability, efficiency, and environ-
21 mental integrity of electrical transmission and distribution
22 systems, which shall include innovations for—

23 “(1) advanced energy delivery technologies, en-
24 ergy storage technologies, materials, and systems;

1 “(2) advanced grid reliability and efficiency
2 technology development;

3 “(3) technologies contributing to significant load
4 reductions;

5 “(4) advanced metering, load management, and
6 control technologies;

7 “(5) technologies to enhance existing grid compo-
8 nents;

9 “(6) the development and use of high-tempera-
10 ture superconductors to—

11 “(A) enhance the reliability, operational
12 flexibility, or power-carrying capability of elec-
13 tric transmission or distribution systems; or

14 “(B) increase the efficiency of electric en-
15 ergy generation, transmission, distribution, or
16 storage systems;

17 “(7) integration of power systems, including sys-
18 tems to deliver high-quality electric power, electric
19 power reliability, and combined heat and power;

20 “(8) supply of electricity to the power grid by
21 small scale, distributed, and residential-based power
22 generators;

23 “(9) the development and use of advanced grid
24 design, operation, and planning tools;

1 “(10) technologies to enhance security for elec-
2 trical transmission and distributions systems; and

3 “(11) any other infrastructure technologies, as
4 appropriate.”; and

5 (3) by amending subsection (c) to read as fol-
6 lows:

7 “(c) *IMPLEMENTATION.*—

8 “(1) *CONSORTIUM.*—*The Secretary shall consider*
9 *implementing the program under this section using a*
10 *consortium of participants from industry, institutions*
11 *of higher education, and National Laboratories.*

12 “(2) *OBJECTIVES.*—*To the maximum extent*
13 *practicable the Secretary shall seek to—*

14 “(A) *leverage existing programs;*

15 “(B) *consolidate and coordinate activities,*
16 *throughout the Department to promote collabora-*
17 *tion and crosscutting approaches;*

18 “(C) *ensure activities are undertaken in a*
19 *manner that does not duplicate other activities*
20 *within the Department or other Federal Govern-*
21 *ment activities; and*

22 “(D) *identify programs that may be more*
23 *effectively left to the States, industry, nongovern-*
24 *mental organizations, institutions of higher edu-*
25 *cation, or other stakeholders.”.*

1 (b) *TABLE OF CONTENTS AMENDMENT.*—*The item re-*
 2 *lating to section 925 in the table of contents of the Energy*
 3 *Policy Act of 2005 is amended to read as follows:*

 “*Sec. 925. Electric transmission and distribution research and development.*”.

4 ***Subtitle C—Nuclear Energy***
 5 ***Research and Development***

6 ***SEC. 621. OBJECTIVES.***

7 *Section 951 of the Energy Policy Act of 2005 (42*
 8 *U.S.C. 16271) is amended—*

9 (1) *by amending subsection (a) to read as fol-*
 10 *lows:*

11 “(a) *IN GENERAL.*—*The Secretary shall conduct pro-*
 12 *grams of civilian nuclear energy research, development,*
 13 *demonstration, and commercial application, including ac-*
 14 *tivities described in this subtitle. Such programs shall take*
 15 *into consideration the following objectives:*

16 “(1) *Enhancing nuclear power’s viability as*
 17 *part of the United States energy portfolio.*

18 “(2) *Reducing used nuclear fuel and nuclear*
 19 *waste products generated by civilian nuclear energy.*

20 “(3) *Supporting technological advances in areas*
 21 *that industry by itself is not likely to undertake be-*
 22 *cause of technical and financial uncertainty.*

23 “(4) *Providing the technical means to reduce the*
 24 *likelihood of nuclear proliferation.*

1 “(5) *Maintaining a cadre of nuclear scientists*
2 *and engineers.*

3 “(6) *Maintaining National Laboratory and uni-*
4 *versity nuclear programs, including their infrastruc-*
5 *ture.*

6 “(7) *Supporting both individual researchers and*
7 *multidisciplinary teams of researchers to pioneer new*
8 *approaches in nuclear energy, science, and technology.*

9 “(8) *Developing, planning, constructing, acquir-*
10 *ing, and operating special equipment and facilities*
11 *for the use of researchers.*

12 “(9) *Supporting technology transfer and other*
13 *appropriate activities to assist the nuclear energy in-*
14 *dustry, and other users of nuclear science and engi-*
15 *neering, including activities addressing reliability,*
16 *availability, productivity, component aging, safety,*
17 *and security of nuclear power plants.*

18 “(10) *Reducing the environmental impact of nu-*
19 *clear energy-related activities.*

20 “(11) *Researching and developing technologies*
21 *and processes to meet Federal and State requirements*
22 *and standards for nuclear power systems.”;*

23 (2) *by striking subsections (b) through (d); and*
24 (3) *by redesignating subsection (e) as subsection*
25 *(b).*

1 **SEC. 622. PROGRAM OBJECTIVES STUDY.**

2 *Section 951 of the Energy Policy Act of 2005 (42*
3 *U.S.C. 16271) is further amended by adding at the end the*
4 *following new subsection:*

5 *“(c) PROGRAM OBJECTIVES STUDY.—In furtherance of*
6 *the program objectives listed in subsection (a) of this sec-*
7 *tion, the Government Accountability Office shall, within 1*
8 *year after the date of enactment of this subsection, transmit*
9 *to the Congress a report on the results of a study on the*
10 *scientific and technical merit of major Federal and State*
11 *requirements and standards, including moratoria, that*
12 *delay or impede the further development and commer-*
13 *cialization of nuclear power, and how the Department can*
14 *assist in overcoming such delays or impediments.”.*

15 **SEC. 623. NUCLEAR ENERGY RESEARCH AND DEVELOP-**
16 **MENT PROGRAMS.**

17 *Section 952 of the Energy Policy Act of 2005 (42*
18 *U.S.C. 16272) is amended by striking subsections (c)*
19 *through (e) and inserting the following:*

20 *“(c) REACTOR CONCEPTS.—*

21 *“(1) IN GENERAL.—The Secretary shall carry*
22 *out a program of research, development, demonstra-*
23 *tion, and commercial application to advance nuclear*
24 *power systems as well as technologies to sustain cur-*
25 *rently deployed systems.*

1 “(2) *DESIGNS AND TECHNOLOGIES.*—*In con-*
2 *ducting the program under this subsection, the Sec-*
3 *retary shall examine advanced reactor designs and*
4 *nuclear technologies, including those that—*

5 “(A) *have higher efficiency, lower cost, and*
6 *improved safety compared to reactors in oper-*
7 *ation as of the date of enactment of the America*
8 *COMPETES Reauthorization Act of 2015;*

9 “(B) *utilize passive safety features;*

10 “(C) *minimize proliferation risks;*

11 “(D) *substantially reduce production of*
12 *high-level waste per unit of output;*

13 “(E) *increase the life and sustainability of*
14 *reactor systems currently deployed;*

15 “(F) *use improved instrumentation;*

16 “(G) *are capable of producing large-scale*
17 *quantities of hydrogen or process heat;*

18 “(H) *minimize water usage or use alter-*
19 *natives to water as a cooling mechanism; or*

20 “(I) *use nuclear energy as part of an inte-*
21 *grated energy system.*

22 “(3) *INTERNATIONAL COOPERATION.*—*In car-*
23 *rying out the program under this subsection, the Sec-*
24 *retary shall seek opportunities to enhance the progress*
25 *of the program through international cooperation*

1 *through such organizations as the Generation IV*
2 *International Forum or any other international col-*
3 *laboration the Secretary considers appropriate.*

4 “(4) *EXCEPTIONS.—No funds authorized to be*
5 *appropriated to carry out the activities described in*
6 *this subsection shall be used to fund the activities au-*
7 *thorized under sections 641 through 645.”.*

8 **SEC. 624. SMALL MODULAR REACTOR PROGRAM.**

9 *Section 952 of the Energy Policy Act of 2005 (42*
10 *U.S.C. 16272) is further amended by adding at the end the*
11 *following new subsection:*

12 “(d) *SMALL MODULAR REACTOR PROGRAM.—*

13 “(1) *IN GENERAL.—The Secretary shall carry*
14 *out a small modular reactor program to promote re-*
15 *search, development, demonstration, and commercial*
16 *application of small modular reactors, including*
17 *through cost-shared projects for commercial applica-*
18 *tion of reactor systems designs.*

19 “(2) *CONSULTATION.—The Secretary shall con-*
20 *sult with and utilize the expertise of the Secretary of*
21 *the Navy in establishing and carrying out such pro-*
22 *gram.*

23 “(3) *ADDITIONAL ACTIVITIES.—Activities may*
24 *also include development of advanced computer mod-*
25 *eling and simulation tools, by Federal and non-Fed-*

1 *eral entities, which demonstrate and validate new de-*
 2 *sign capabilities of innovative small modular reactor*
 3 *designs.*

4 “(4) *DEFINITION.—For the purposes of this sub-*
 5 *section, the term ‘small modular reactor’ means a nu-*
 6 *clear reactor meeting generally accepted industry*
 7 *standards—*

8 “(A) *with a rated capacity of less than 300*
 9 *electrical megawatts;*

10 “(B) *with respect to which most parts can*
 11 *be factory assembled and shipped as modules to*
 12 *a reactor plant site for assembly; and*

13 “(C) *that can be constructed and operated*
 14 *in combination with similar reactors at a single*
 15 *site.”.*

16 **SEC. 625. FUEL CYCLE RESEARCH AND DEVELOPMENT.**

17 (a) *AMENDMENTS.—Section 953 of the Energy Policy*
 18 *Act of 2005 (42 U.S.C. 16273) is amended—*

19 (1) *in the section heading by striking “AD-*
 20 *VANCED FUEL CYCLE INITIATIVE” and inserting*
 21 *“FUEL CYCLE RESEARCH AND DEVELOPMENT”;*

22 (2) *by striking subsection (a);*

23 (3) *by redesignating subsections (b) through (d)*
 24 *as subsections (d) through (f), respectively; and*

1 (4) by inserting before subsection (d), as so reded-
2 ignated by paragraph (3) of this subsection, the fol-
3 lowing new subsections:

4 “(a) *IN GENERAL.*—The Secretary shall conduct a fuel
5 cycle research, development, demonstration, and commercial
6 application program (referred to in this section as the ‘pro-
7 gram’) on fuel cycle options that improve uranium resource
8 utilization, maximize energy generation, minimize nuclear
9 waste creation, improve safety, mitigate risk of prolifera-
10 tion, and improve waste management in support of a na-
11 tional strategy for spent nuclear fuel and the reactor con-
12 cepts research, development, demonstration, and commer-
13 cial application program under section 952(c).

14 “(b) *FUEL CYCLE OPTIONS.*—Under this section the
15 Secretary may consider implementing the following initia-
16 tives:

17 “(1) *OPEN CYCLE.*—Developing fuels, including
18 the use of nonuranium materials and alternate
19 claddings, for use in reactors that increase energy
20 generation, improve safety performance and margins,
21 and minimize the amount of nuclear waste produced
22 in an open fuel cycle.

23 “(2) *RECYCLE.*—Developing advanced recycling
24 technologies, including advanced reactor concepts to
25 improve resource utilization, reduce proliferation

1 *risks, and minimize radiotoxicity, decay heat, and*
2 *mass and volume of nuclear waste to the greatest ex-*
3 *tent possible.*

4 “(3) *ADVANCED STORAGE METHODS.—Develop-*
5 *ing advanced storage technologies for both onsite*
6 *and long-term storage that substantially prolong the*
7 *effective life of current storage devices or that substan-*
8 *tially improve upon existing nuclear waste storage*
9 *technologies and methods, including repositories.*

10 “(4) *FAST TEST REACTOR.—Investigating the*
11 *potential research benefits of a fast test reactor user*
12 *facility to conduct experiments on fuels and materials*
13 *related to fuel forms and fuel cycles that will increase*
14 *fuel utilization, reduce proliferation risks, and reduce*
15 *nuclear waste products.*

16 “(5) *ADVANCED REACTOR INNOVATION.—Develop-*
17 *ing an advanced reactor innovation testbed where*
18 *national laboratories, universities, and industry can*
19 *address advanced reactor design challenges to enable*
20 *construction and operation of privately funded reac-*
21 *tor prototypes to resolve technical uncertainty for*
22 *United States-based designs for future domestic and*
23 *international markets.*

24 “(6) *OTHER TECHNOLOGIES.—Developing any*
25 *other technology or initiative that the Secretary deter-*

1 *mines is likely to advance the objectives of the pro-*
2 *gram.*

3 “(c) *ADDITIONAL ADVANCED RECYCLING AND CROSS-*
4 *CUTTING ACTIVITIES.—In addition to and in support of the*
5 *specific initiatives described in paragraphs (1) through (5)*
6 *of subsection (b), the Secretary may support the following*
7 *activities:*

8 “(1) *Development and testing of integrated proc-*
9 *ess flow sheets for advanced nuclear fuel recycling*
10 *processes.*

11 “(2) *Research to characterize the byproducts and*
12 *waste streams resulting from fuel recycling processes.*

13 “(3) *Research and development on reactor con-*
14 *cepts or transmutation technologies that improve re-*
15 *source utilization or reduce the radiotoxicity of waste*
16 *streams.*

17 “(4) *Research and development on waste treat-*
18 *ment processes and separations technologies, advanced*
19 *waste forms, and quantification of proliferation risks.*

20 “(5) *Identification and evaluation of test and ex-*
21 *perimental facilities necessary to successfully imple-*
22 *ment the advanced fuel cycle initiative.*

23 “(6) *Advancement of fuel cycle-related modeling*
24 *and simulation capabilities.*

1 “(7) *Research to understand the behavior of*
2 *high-burnup fuels.*”.

3 (b) *CONFORMING AMENDMENT.*—*The item relating to*
4 *section 953 in the table of contents of the Energy Policy*
5 *Act of 2005 is amended to read as follows:*

 “*Sec. 953. Fuel cycle research and development.*”.

6 **SEC. 626. NUCLEAR ENERGY ENABLING TECHNOLOGIES**
7 **PROGRAM.**

8 (a) *AMENDMENT.*—*Subtitle E of title IX of the Energy*
9 *Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended*
10 *by adding at the end the following new section:*

11 **“SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.**

12 “(a) *IN GENERAL.*—*The Secretary shall conduct a pro-*
13 *gram to support the integration of activities undertaken*
14 *through the reactor concepts research, development, dem-*
15 *onstration, and commercial application program under sec-*
16 *tion 952(c) and the fuel cycle research and development pro-*
17 *gram under section 953, and support crosscutting nuclear*
18 *energy concepts. Activities commenced under this section*
19 *shall be concentrated on broadly applicable research and de-*
20 *velopment focus areas.*

21 “(b) *ACTIVITIES.*—*Activities conducted under this sec-*
22 *tion may include research involving—*

23 “(1) *advanced reactor materials;*

24 “(2) *advanced radiation mitigation methods;*

1 “(3) advanced proliferation and security risk as-
2 sessment methods;

3 “(4) advanced sensors and instrumentation;

4 “(5) high performance computation modeling,
5 including multiphysics, multidimensional modeling
6 simulation for nuclear energy systems, and continued
7 development of advanced modeling simulation capa-
8 bilities through national laboratory, industry, and
9 university partnerships for operations and safety per-
10 formance improvements of light water reactors for
11 currently deployed and near-term reactors and ad-
12 vanced reactors and for the development of small
13 modular reactors; and

14 “(6) any crosscutting technology or trans-
15 formative concept aimed at establishing substantial
16 and revolutionary enhancements in the performance
17 of future nuclear energy systems that the Secretary
18 considers relevant and appropriate to the purpose of
19 this section.

20 “(c) *REPORT.*—The Secretary shall submit, as part of
21 the annual budget submission of the Department, a report
22 on the activities of the program conducted under this sec-
23 tion, which shall include a brief evaluation of each activi-
24 ty’s progress.”.

1 (b) *CONFORMING AMENDMENT.*—*The table of contents*
2 *of the Energy Policy Act of 2005 is amended by adding*
3 *at the end of the items for subtitle E of title IX the following*
4 *new item:*

 “*Sec. 958. Nuclear energy enabling technologies.*”.

5 **SEC. 627. TECHNICAL STANDARDS COLLABORATION.**

6 (a) *IN GENERAL.*—*The Director of the National Insti-*
7 *tute of Standards and Technology shall establish a nuclear*
8 *energy standards committee (in this section referred to as*
9 *the “technical standards committee”) to facilitate and sup-*
10 *port, consistent with the National Technology Transfer and*
11 *Advancement Act of 1995, the development or revision of*
12 *technical standards for new and existing nuclear power*
13 *plants and advanced nuclear technologies.*

14 (b) *MEMBERSHIP.*—

15 (1) *IN GENERAL.*—*The technical standards com-*
16 *mittee shall include representatives from appropriate*
17 *Federal agencies and the private sector, and be open*
18 *to materially affected organizations involved in the*
19 *development or application of nuclear energy-related*
20 *standards.*

21 (2) *CO-CHAIRS.*—*The technical standards com-*
22 *mittee shall be co-chaired by a representative from the*
23 *National Institute of Standards and Technology and*
24 *a representative from a private sector standards orga-*
25 *nization.*

1 (c) *DUTIES.*—*The technical standards committee shall,*
2 *in cooperation with appropriate Federal agencies—*

3 (1) *perform a needs assessment to identify and*
4 *evaluate the technical standards that are needed to*
5 *support nuclear energy, including those needed to*
6 *support new and existing nuclear power plants and*
7 *advanced nuclear technologies, including developing*
8 *the technical basis for regulatory frameworks for ad-*
9 *vanced reactors;*

10 (2) *formulate, coordinate, and recommend prior-*
11 *ities for the development of new technical standards*
12 *and the revision of existing technical standards to ad-*
13 *dress the needs identified under paragraph (1);*

14 (3) *facilitate and support collaboration and co-*
15 *operation among standards developers to address the*
16 *needs and priorities identified under paragraphs (1)*
17 *and (2);*

18 (4) *as appropriate, coordinate with other na-*
19 *tional, regional, or international efforts on nuclear*
20 *energy-related technical standards in order to avoid*
21 *conflict and duplication and to ensure global compat-*
22 *ibility; and*

23 (5) *promote the establishment and maintenance*
24 *of a database of nuclear energy-related technical*
25 *standards.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*To the ex-*
2 *tent provided for in advance by appropriations Acts, the*
3 *Secretary may transfer to the Director of the National In-*
4 *stitute of Standards and Technology not to exceed*
5 *\$1,000,000 for fiscal year 2016 for the Secretary of Com-*
6 *merce to carry out this section from amounts appropriated*
7 *for nuclear energy research and development within the Nu-*
8 *clear Energy Enabling Technologies account for the Depart-*
9 *ment.*

10 **SEC. 628. AVAILABLE FACILITIES DATABASE.**

11 *The Secretary shall prepare a database of non-Federal*
12 *user facilities receiving Federal funds that may be used for*
13 *unclassified nuclear energy research. The Secretary shall*
14 *make this database accessible on the Department’s website.*

15 **Subtitle D—Energy Efficiency and**
16 **Renewable Energy Research and**
17 **Development**

18 **SEC. 641. ENERGY EFFICIENCY.**

19 *Section 911 of the Energy Policy Act of 2005 (42*
20 *U.S.C. 16191) is amended to read as follows:*

21 **“SEC. 911. ENERGY EFFICIENCY.**

22 “(a) *OBJECTIVES.*—*The Secretary shall conduct pro-*
23 *grams of energy efficiency research, development, dem-*
24 *onstration, and commercial application, including activi-*
25 *ties described in this subtitle. Such programs shall*

1 *prioritize activities that industry by itself is not likely to*
2 *undertake because of technical challenges or regulatory un-*
3 *certainty, and take into consideration the following objec-*
4 *tives:*

5 “(1) *Increasing energy efficiency.*

6 “(2) *Reducing the cost of energy.*

7 “(3) *Reducing the environmental impact of en-*
8 *ergy-related activities.*

9 “(b) *PROGRAMS.—Programs under this subtitle shall*
10 *include research, development, demonstration, and commer-*
11 *cial application of—*

12 “(1) *innovative, affordable technologies to im-*
13 *prove the energy efficiency and environmental per-*
14 *formance of vehicles, including weight and drag re-*
15 *duction technologies, technologies, modeling, and sim-*
16 *ulation for increasing vehicle connectivity and auto-*
17 *mation, and whole-vehicle design optimization;*

18 “(2) *cost-effective technologies, for new construc-*
19 *tion and retrofit, to improve the energy efficiency and*
20 *environmental performance of buildings, using a*
21 *whole-buildings approach;*

22 “(3) *advanced technologies to improve the energy*
23 *efficiency, environmental performance, and process ef-*
24 *iciency of energy-intensive and waste-intensive in-*
25 *dustries;*

1 “(4) technologies to improve the energy efficiency
2 of appliances and mechanical systems for buildings in
3 extreme climates, including cogeneration,
4 trigeneration, and polygeneration units;

5 “(5) advanced battery technologies; and

6 “(6) fuel cell and hydrogen technologies.”.

7 **SEC. 642. NEXT GENERATION LIGHTING INITIATIVE.**

8 Section 912 of the Energy Policy Act of 2005 (42
9 U.S.C. 16192) and the item relating thereto in the table
10 of contents of that Act are repealed.

11 **SEC. 643. BUILDING STANDARDS.**

12 Section 914 of the Energy Policy Act of 2005 (42
13 U.S.C. 16194) is amended by striking subsection (c).

14 **SEC. 644. SECONDARY ELECTRIC VEHICLE BATTERY USE**
15 **PROGRAM.**

16 Section 915 of the Energy Policy Act of 2005 (42
17 U.S.C. 16195) and the item relating thereto in the table
18 of contents of that Act are repealed.

19 **SEC. 645. NETWORK FOR MANUFACTURING INNOVATION**
20 **PROGRAM.**

21 To the extent provided for in advance by appropria-
22 tions Acts, the Secretary may transfer to the National Insti-
23 tute of Standards and Technology up to \$150,000,000 for
24 the period encompassing fiscal years 2015 through 2017
25 from amounts appropriated for advanced manufacturing

1 *research and development under this subtitle (and the*
2 *amendments made by this subtitle) for the Secretary of*
3 *Commerce to carry out the Network for Manufacturing In-*
4 *novation Program authorized under section 34 of the Na-*
5 *tional Institute of Standards and Technology Act (15*
6 *U.S.C. 278s).*

7 **SEC. 646. ADVANCED ENERGY TECHNOLOGY TRANSFER**
8 **CENTERS.**

9 *Section 917 of the Energy Policy Act of 2005 (42*
10 *U.S.C. 16197) is amended—*

11 *(1) in subsection (a)—*

12 *(A) by inserting “and” at the end of para-*
13 *graph (2)(B);*

14 *(B) by striking “; and” at the end of para-*
15 *graph (3) and inserting a period; and*

16 *(C) by striking paragraph (4);*

17 *(2) in subsection (b)—*

18 *(A) by striking paragraph (1);*

19 *(B) by redesignating paragraphs (2)*
20 *through (5) as paragraphs (1) through (4), re-*
21 *spectively; and*

22 *(C) by striking paragraph (6);*

23 *(3) by amending subsection (g) to read as fol-*
24 *lows:*

1 “(g) *PROHIBITION.*—None of the funds awarded under
2 this section may be used for the construction of facilities
3 or the deployment of commercially available technologies.”;
4 and

5 (4) by striking subsection (i).

6 **SEC. 647. RENEWABLE ENERGY.**

7 Section 931 of the Energy Policy Act of 2005 (42
8 U.S.C. 16231) is amended to read as follows:

9 **“SEC. 931. RENEWABLE ENERGY.**

10 “(a) *IN GENERAL.*—

11 “(1) *OBJECTIVES.*—The Secretary shall conduct
12 programs of renewable energy research, development,
13 demonstration, and commercial application, includ-
14 ing activities described in this subtitle. Such pro-
15 grams shall prioritize discovery research and develop-
16 ment and take into consideration the following objec-
17 tives:

18 “(A) Increasing the conversion efficiency of
19 all forms of renewable energy through improved
20 technologies.

21 “(B) Decreasing the cost of renewable en-
22 ergy generation and delivery.

23 “(C) Promoting the diversity of the energy
24 supply.

1 “(D) *Decreasing the dependence of the*
2 *United States on foreign mineral resources.*

3 “(E) *Decreasing the environmental impact*
4 *of renewable energy-related activities.*

5 “(F) *Increasing the export of renewable gen-*
6 *eration technologies from the United States.*

7 “(2) *PROGRAMS.—*

8 “(A) *SOLAR ENERGY.—The Secretary shall*
9 *conduct a program of research, development,*
10 *demonstration, and commercial application for*
11 *solar energy, including innovations in—*

12 “(i) *photovoltaics;*

13 “(ii) *solar heating;*

14 “(iii) *concentrating solar power;*

15 “(iv) *lighting systems that integrate*
16 *sunlight and electrical lighting in com-*
17 *plement to each other; and*

18 “(v) *development of technologies that*
19 *can be easily integrated into new and exist-*
20 *ing buildings.*

21 “(B) *WIND ENERGY.—The Secretary shall*
22 *conduct a program of research, development,*
23 *demonstration, and commercial application for*
24 *wind energy, including innovations in—*

25 “(i) *low speed wind energy;*

1 “(ii) testing and verification tech-
2 nologies;

3 “(iii) distributed wind energy genera-
4 tion; and

5 “(iv) transformational technologies for
6 harnessing wind energy.

7 “(C) *GEOTHERMAL*.—The Secretary shall
8 conduct a program of research, development,
9 demonstration, and commercial application for
10 geothermal energy, including technologies for—

11 “(i) improving detection of geothermal
12 resources;

13 “(ii) decreasing drilling costs;

14 “(iii) decreasing maintenance costs
15 through improved materials;

16 “(iv) increasing the potential for other
17 revenue sources, such as mineral produc-
18 tion; and

19 “(v) increasing the understanding of
20 reservoir life cycle and management.

21 “(D) *HYDROPOWER*.—The Secretary shall
22 conduct a program of research, development,
23 demonstration, and commercial application for
24 technologies that enable the development of new

1 *and incremental hydropower capacity, includ-*
2 *ing:*

3 “(i) *Advanced technologies to enhance*
4 *environmental performance and yield great-*
5 *er energy efficiencies.*

6 “(ii) *Ocean energy, including wave en-*
7 *ergy.*

8 “(E) *MISCELLANEOUS PROJECTS.—The Sec-*
9 *retary shall conduct research, development, dem-*
10 *onstration, and commercial application pro-*
11 *grams for—*

12 “(i) *the combined use of renewable en-*
13 *ergy technologies with one another and with*
14 *other energy technologies, including the*
15 *combined use of renewable power and fossil*
16 *technologies;*

17 “(ii) *renewable energy technologies for*
18 *cogeneration of hydrogen and electricity;*
19 *and*

20 “(iii) *kinetic hydro turbines.*

21 “(b) *RURAL DEMONSTRATION PROJECTS.—In car-*
22 *rying out this section, the Secretary, in consultation with*
23 *the Secretary of Agriculture, shall give priority to dem-*
24 *onstrations that assist in delivering electricity to rural and*
25 *remote locations including—*

1 “(1) advanced renewable power technology, in-
2 cluding combined use with fossil technologies;

3 “(2) biomass; and

4 “(3) geothermal energy systems.

5 “(c) ANALYSIS AND EVALUATION.—

6 “(1) IN GENERAL.—The Secretary shall conduct
7 analysis and evaluation in support of the renewable
8 energy programs under this subtitle. These activities
9 shall be used to guide budget and program decisions,
10 and shall include—

11 “(A) economic and technical analysis of re-
12 newable energy potential, including resource as-
13 sessment;

14 “(B) analysis of past program performance,
15 both in terms of technical advances and in mar-
16 ket introduction of renewable energy;

17 “(C) assessment of domestic and inter-
18 national market drivers, including the impacts
19 of any Federal, State, or local grants, loans, loan
20 guarantees, tax incentives, statutory or regu-
21 latory requirements, or other government initia-
22 tives; and

23 “(D) any other analysis or evaluation that
24 the Secretary considers appropriate.

1 “(2) *FUNDING.*—*The Secretary may designate*
2 *up to 1 percent of the funds appropriated for car-*
3 *rying out this subtitle for analysis and evaluation ac-*
4 *tivities under this subsection.*

5 “(3) *SUBMITTAL TO CONGRESS.*—*This analysis*
6 *and evaluation shall be submitted to the Committee*
7 *on Science, Space, and Technology of the House of*
8 *Representatives and the Committee on Energy and*
9 *Natural Resources of the Senate at least 30 days be-*
10 *fore each annual budget request is submitted to Con-*
11 *gress.”.*

12 **SEC. 648. BIOENERGY PROGRAM.**

13 *Section 932 of the Energy Policy Act of 2005 (42*
14 *U.S.C. 16232) is amended to read as follows:*

15 **“SEC. 932. BIOENERGY PROGRAM.**

16 “(a) *PROGRAM.*—*The Secretary shall conduct a pro-*
17 *gram of research, development, demonstration, and commer-*
18 *cial application for bioenergy, including innovations in—*

19 “(1) *biopower energy systems;*

20 “(2) *biofuels;*

21 “(3) *bioproducts;*

22 “(4) *integrated biorefineries that may produce*
23 *biopower, biofuels, and bioproducts; and*

24 “(5) *crosscutting research and development in*
25 *feedstocks.*

1 “(b) *BIOFUELS AND BIOPRODUCTS.*—*The goals of the*
2 *biofuels and bioproducts programs shall be to develop, in*
3 *partnership with industry and institutions of higher edu-*
4 *cation—*

5 “(1) *advanced biochemical and thermochemical*
6 *conversion technologies capable of making fuels from*
7 *lignocellulosic feedstocks that are price-competitive*
8 *with fossil-based fuels and fully compatible with ei-*
9 *ther internal combustion engines or fuel cell-powered*
10 *vehicles;*

11 “(2) *advanced conversion of biomass to biofuels*
12 *and bioproducts as part of integrated biorefineries*
13 *based on either biochemical processes, thermochemical*
14 *processes, or hybrids of these processes; and*

15 “(3) *other advanced processes that will enable the*
16 *development of cost-effective bioproducts, including*
17 *biofuels.*

18 “(c) *RETROFIT TECHNOLOGIES FOR THE DEVELOP-*
19 *MENT OF ETHANOL FROM CELLULOSIC MATERIALS.*—*The*
20 *Secretary shall establish a program of research, develop-*
21 *ment, demonstration, and commercial application for tech-*
22 *nologies and processes to enable biorefineries that exclu-*
23 *sively use corn grain or corn starch as a feedstock to*
24 *produce ethanol to be retrofitted to accept a range of bio-*
25 *mass, including lignocellulosic feedstocks.*

1 “(d) *LIMITATIONS.*—None of the funds authorized for
2 carrying out this section may be used to fund commercial
3 biofuels production for defense purposes.

4 “(e) *DEFINITIONS.*—In this section:

5 “(1) *BIOMASS.*—The term ‘biomass’ means—

6 “(A) any organic material grown for the
7 purpose of being converted to energy;

8 “(B) any organic byproduct of agriculture
9 (including wastes from food production and
10 processing) that can be converted into energy; or

11 “(C) any waste material that can be con-
12 verted to energy, is segregated from other waste
13 materials, and is derived from—

14 “(i) any of the following forest-related
15 resources: mill residues, precommercial
16 thinnings, slash, brush, or otherwise non-
17 merchantable material;

18 “(ii) wood waste materials, including
19 waste pallets, crates, dunnage, manufac-
20 turing and construction wood wastes (other
21 than pressure-treated, chemically treated, or
22 painted wood wastes), and landscape or
23 right-of-way tree trimmings, but not includ-
24 ing municipal solid waste, gas derived from

1 *the biodegradation of municipal solid waste,*
2 *or paper that is commonly recycled; or*
3 *“(iii) solids derived from waste water*
4 *treatment processes.*

5 *“(2) LIGNOCELLULOSIC FEEDSTOCK.—The term*
6 *‘lignocellulosic feedstock’ means any portion of a*
7 *plant or coproduct from conversion, including crops,*
8 *trees, forest residues, grasses, and agricultural resi-*
9 *dues not specifically grown for food, including from*
10 *barley grain, grapeseed, rice bran, rice hulls, rice*
11 *straw, soybean matter, cornstover, and sugarcane ba-*
12 *gasse.”.*

13 **SEC. 649. CONCENTRATING SOLAR POWER RESEARCH PRO-**
14 **GRAM.**

15 *Section 934 of the Energy Policy Act of 2005 (42*
16 *U.S.C. 16234) and the item relating thereto in the table*
17 *of contents of that Act are repealed.*

18 **SEC. 650. RENEWABLE ENERGY IN PUBLIC BUILDINGS.**

19 *Section 935 of the Energy Policy Act of 2005 (42*
20 *U.S.C. 16235) and the item relating thereto in the table*
21 *of contents of that Act are repealed.*

1 ***Subtitle E—Fossil Energy Research***
2 ***and Development***

3 **SEC. 661. FOSSIL ENERGY.**

4 *Section 961 of Energy Policy Act of 2005 (42 U.S.C.*
5 *16291) is amended to read as follows:*

6 **“SEC. 961. FOSSIL ENERGY.**

7 “(a) *IN GENERAL.—The Secretary shall carry out re-*
8 *search, development, demonstration, and commercial appli-*
9 *cation programs in fossil energy, including activities under*
10 *this subtitle, with the goal of improving the efficiency, effec-*
11 *tiveness, and environmental performance of fossil energy*
12 *production, upgrading, conversion, and consumption. Such*
13 *programs shall take into consideration the following objec-*
14 *tives:*

15 “(1) *Increasing the energy conversion efficiency*
16 *of all forms of fossil energy through improved tech-*
17 *nologies.*

18 “(2) *Decreasing the cost of all fossil energy pro-*
19 *duction, generation, and delivery.*

20 “(3) *Promoting diversity of energy supply.*

21 “(4) *Decreasing the dependence of the United*
22 *States on foreign energy supplies.*

23 “(5) *Decreasing the environmental impact of en-*
24 *ergy-related activities.*

1 “(6) *Increasing the export of fossil energy-related*
2 *equipment, technology, and services from the United*
3 *States.*

4 “(b) *OBJECTIVES.—To the maximum extent prac-*
5 *ticable, the Secretary shall seek to—*

6 “(1) *leverage existing programs;*

7 “(2) *consolidate and coordinate activities*
8 *throughout the Department to promote collaboration*
9 *and crosscutting approaches;*

10 “(3) *ensure activities are undertaken in a man-*
11 *ner that does not duplicate other activities within the*
12 *Department or other Federal Government activities;*
13 *and*

14 “(4) *identify programs that may be more effec-*
15 *tively left to the States, industry, nongovernmental*
16 *organizations, institutions of higher education, or*
17 *other stakeholders.*

18 “(c) *LIMITATIONS.—*

19 “(1) *USES.—None of the funds authorized for*
20 *carrying out this section may be used for Fossil En-*
21 *ergy Environmental Restoration.*

22 “(2) *INSTITUTIONS OF HIGHER EDUCATION.—*
23 *Not less than 20 percent of the funds appropriated for*
24 *carrying out section 964 of this Act for each fiscal*

1 *year shall be dedicated to research and development*
2 *carried out at institutions of higher education.*

3 “(3) *USE FOR REGULATORY ASSESSMENTS OR*
4 *DETERMINATIONS.—The results of any research, devel-*
5 *opment, demonstration, or commercial application*
6 *projects or activities of the Department authorized*
7 *under this subtitle may not be used for regulatory as-*
8 *sessments or determinations by Federal regulatory*
9 *authorities.*

10 “(d) *ASSESSMENTS.—*

11 “(1) *CONSTRAINTS AGAINST BRINGING RE-*
12 *SOURCES TO MARKET.—Not later than 1 year after*
13 *the date of enactment of the America COMPETES*
14 *Reauthorization Act of 2015, the Secretary shall*
15 *transmit to Congress an assessment of the technical,*
16 *institutional, policy, and regulatory constraints to*
17 *bringing new domestic fossil resources to market.*

18 “(2) *TECHNOLOGY CAPABILITIES.—Not later*
19 *than 2 years after the date of enactment of the Amer-*
20 *ica COMPETES Reauthorization Act of 2015, the*
21 *Secretary shall transmit to Congress a long-term as-*
22 *essment of existing and projected technological capa-*
23 *bilities for expanded production from domestic uncon-*
24 *ventional oil, gas, and methane reserves.”.*

1 **SEC. 662. COAL RESEARCH, DEVELOPMENT, DEMONSTRATION,**
2 **AND COMMERCIAL APPLICATION PRO-**
3 **GRAMS.**

4 (a) *IN GENERAL.*—Section 962 of the Energy Policy
5 Act of 2005 (42 U.S.C. 16292) is amended—

6 (1) *in subsection (a)*—

7 (A) *in paragraph (10), by striking “and”*
8 *at the end;*

9 (B) *in paragraph (11), by striking the pe-*
10 *riod at the end and inserting a semicolon; and*

11 (C) *by adding at the end the following:*

12 “(12) *specific additional programs to address*
13 *water use and reuse;*

14 “(13) *the testing, including the construction of*
15 *testing facilities, of high temperature materials for*
16 *use in advanced systems for combustion or use of coal;*
17 *and*

18 “(14) *innovations to application of existing coal*
19 *conversion systems designed to increase efficiency of*
20 *conversion, flexibility of operation, and other modi-*
21 *fications to address existing usage requirements.”;*

22 (2) *by redesignating subsections (b) through (d)*
23 *as subsections (c) through (e), respectively;*

24 (3) *by inserting after subsection (a) the fol-*
25 *lowing:*

1 “(b) *TRANSFORMATIONAL COAL TECHNOLOGY PRO-*
2 *GRAM.*—

3 “(1) *IN GENERAL.*—*As part of the program es-*
4 *tablished under subsection (a), the Secretary may*
5 *carry out a program designed to undertake research,*
6 *development, demonstration, and commercial applica-*
7 *tion of technologies, including the accelerated develop-*
8 *ment of—*

9 “(A) *chemical looping technology;*

10 “(B) *supercritical carbon dioxide power*
11 *generation cycles;*

12 “(C) *pressurized oxycombustion, including*
13 *new and retrofit technologies; and*

14 “(D) *other technologies that are character-*
15 *ized by the use of—*

16 “(i) *alternative energy cycles;*

17 “(ii) *thermionic devices using waste*
18 *heat;*

19 “(iii) *fuel cells;*

20 “(iv) *replacement of chemical processes*
21 *with biotechnology;*

22 “(v) *nanotechnology;*

23 “(vi) *new materials in applications*
24 *(other than extending cycles to higher tem-*

1 *perature and pressure), such as membranes*
2 *or ceramics;*

3 *“(vii) carbon utilization, such as in*
4 *construction materials, using low quality*
5 *energy to reconvert back to a fuel, or manu-*
6 *factured food;*

7 *“(viii) advanced gas separation con-*
8 *cepts; and*

9 *“(ix) other technologies, including—*
10 *“(I) modular, manufactured com-*
11 *ponents; and*

12 *“(II) innovative production or re-*
13 *search techniques, such as using 3-D*
14 *printer systems, for the production of*
15 *early research and development proto-*
16 *types.*

17 *“(2) COST SHARE.—In carrying out the program*
18 *described in paragraph (1), the Secretary shall enter*
19 *into partnerships with private entities to share the*
20 *costs of carrying out the program. The Secretary may*
21 *reduce the non-Federal cost share requirement if the*
22 *Secretary determines that the reduction is necessary*
23 *and appropriate considering the technological risks*
24 *involved in the project.”; and*

1 (4) *in subsection (c) (as so redesignated) by*
2 *striking paragraph (1) and inserting the following:*

3 “(1) *IN GENERAL.—In carrying out programs*
4 *authorized by this section, the Secretary shall identify*
5 *cost and performance goals for coal-based technologies*
6 *that would permit the continued cost-competitive use*
7 *of coal for the production of electricity, chemical feed-*
8 *stocks, transportation fuels, and other marketable*
9 *products.”.*

10 (b) *ADVISORY COMMITTEE; AUTHORIZATION OF AP-*
11 *PROPRIATIONS.—Section 963 of the Energy Policy Act of*
12 *2005 (42 U.S.C. 16293) is amended—*

13 (1) *by amending paragraph (6) of subsection (c)*
14 *to read as follows:*

15 “(6) *ADVISORY COMMITTEE.—*

16 “(A) *IN GENERAL.—Subject to subpara-*
17 *graph (B), the Secretary shall establish an advi-*
18 *sory committee to undertake, not less frequently*
19 *than once every 3 years, a review and prepare*
20 *a report on the progress being made by the De-*
21 *partment of Energy to achieve the goals de-*
22 *scribed in subsections (a) and (b) of section 962*
23 *and subsection (b) of this section.*

24 “(B) *MEMBERSHIP REQUIREMENTS.—Mem-*
25 *bers of the advisory committee established under*

1 (b) *PROGRAM ELEMENTS.*—*The program under this*
2 *section shall—*

3 (1) *support innovative engineering and detailed*
4 *gas turbine design for megawatt-scale and utility-*
5 *scale electric power generation, including—*

6 (A) *high temperature materials, including*
7 *superalloys, coatings, and ceramics;*

8 (B) *improved heat transfer capability;*

9 (C) *manufacturing technology required to*
10 *construct complex three-dimensional geometry*
11 *parts with improved aerodynamic capability;*

12 (D) *combustion technology to produce high-*
13 *er firing temperature while lowering nitrogen*
14 *oxide and carbon monoxide emissions per unit of*
15 *output;*

16 (E) *advanced controls and systems integra-*
17 *tion;*

18 (F) *advanced high performance compressor*
19 *technology; and*

20 (G) *validation facilities for the testing of*
21 *components and subsystems;*

22 (2) *include technology demonstration through*
23 *component testing, subscale testing, and full scale test-*
24 *ing in existing fleets;*

1 (3) include field demonstrations of the developed
2 technology elements so as to demonstrate technical
3 and economic feasibility; and

4 (4) assess overall combined cycle and simple
5 cycle system performance.

6 (c) *PROGRAM GOALS.*—The goals of the multiphase
7 program established under subsection (a) shall be—

8 (1) in phase I—

9 (A) to develop the conceptual design of ad-
10 vanced high efficiency gas turbines that can
11 achieve at least 62 percent combined cycle effi-
12 ciency or 47 percent simple cycle efficiency on a
13 lower heating value basis; and

14 (B) to develop and demonstrate the tech-
15 nology required for advanced high efficiency gas
16 turbines that can achieve at least 62 percent
17 combined cycle efficiency or 47 percent simple
18 cycle efficiency on a lower heating value basis;
19 and

20 (2) in phase II, to develop the conceptual design
21 for advanced high efficiency gas turbines that can
22 achieve at least 65 percent combined cycle efficiency
23 or 50 percent simple cycle efficiency on a lower heat-
24 ing value basis.

1 (d) *PROPOSALS*.—Within 180 days after the date of
 2 enactment of this Act, the Secretary shall solicit grant and
 3 contract proposals from industry, small businesses, univer-
 4 sities, and other appropriate parties for conducting activi-
 5 ties under this section. In selecting proposals, the Secretary
 6 shall emphasize—

7 (1) the extent to which the proposal will stimu-
 8 late the creation or increased retention of jobs in the
 9 United States; and

10 (2) the extent to which the proposal will promote
 11 and enhance United States technology leadership.

12 (e) *COMPETITIVE AWARDS*.—The provision of funding
 13 under this section shall be on a competitive basis with an
 14 emphasis on technical merit.

15 (f) *COST SHARING*.—Section 988 of the Energy Policy
 16 Act of 2005 (42 U.S.C. 16352) shall apply to an award
 17 of financial assistance made under this section.

18 ***Subtitle F—Advanced Research***
 19 ***Projects Agency—Energy***

20 ***SEC. 671. ARPA-E AMENDMENTS.***

21 Section 5012 of the America COMPETES Act (42
 22 U.S.C. 16538) is amended—

23 (1) by amending paragraph (1) of subsection (c)
 24 to read as follows:

1 “(1) *IN GENERAL.*—*The goals of ARPA–E shall*
2 *be to enhance the economic and energy security of the*
3 *United States and to ensure that the United States*
4 *maintains a technological lead through the develop-*
5 *ment of advanced energy technologies.”;*

6 (2) *in subsection (i)(1), by inserting “ARPA–E*
7 *shall not provide funding for a project unless the pro-*
8 *spective grantee demonstrates sufficient attempts to*
9 *secure private financing or indicates that the project*
10 *is not independently commercially viable.” after “rel-*
11 *evant research agencies.”;*

12 (3) *in subsection (l)(1), by inserting “and once*
13 *every 6 years thereafter,” after “operation for 6*
14 *years,”; and*

15 (4) *by redesignating subsection (n) as subsection*
16 *(o) and inserting after subsection (m) the following*
17 *new subsection:*

18 “(n) *PROTECTION OF PROPRIETARY INFORMATION.*—

19 “(1) *IN GENERAL.*—*The following categories of*
20 *information collected by the Advanced Research*
21 *Projects Agency–Energy from recipients of financial*
22 *assistance awards shall be considered privileged and*
23 *confidential and not subject to disclosure pursuant to*
24 *section 552 of title 5, United States Code:*

1 “(A) *Plans for commercialization of tech-*
2 *nologies developed under the award, including*
3 *business plans, technology to market plans, mar-*
4 *ket studies, and cost and performance models.*

5 “(B) *Investments provided to an awardee*
6 *from third parties, such as venture capital, hedge*
7 *fund, or private equity firms, including amounts*
8 *and percentage of ownership of the awardee pro-*
9 *vided in return for such investments.*

10 “(C) *Additional financial support that the*
11 *awardee plans to invest or has invested into the*
12 *technology developed under the award, or that*
13 *the awardee is seeking from third parties.*

14 “(D) *Revenue from the licensing or sale of*
15 *new products or services resulting from the re-*
16 *search conducted under the award.*

17 “(2) *EFFECT OF SUBSECTION.—Nothing in this*
18 *subsection affects—*

19 “(A) *the authority of the Secretary to use*
20 *information without publicly disclosing such in-*
21 *formation; or*

22 “(B) *the responsibility of the Secretary to*
23 *transmit information to Congress as required by*
24 *law.”.*

1 **Subtitle G—Authorization of**
2 **Appropriations**

3 **SEC. 681. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *ELECTRICITY DELIVERY AND ENERGY RELI-*
5 *ABILITY RESEARCH AND DEVELOPMENT.*—*There are au-*
6 *thorized to be appropriated to the Secretary for research,*
7 *development, demonstration, and commercial application*
8 *for electrical delivery and energy reliability technology ac-*
9 *tivities within the Office of Electricity \$113,000,000 for*
10 *each of fiscal years 2016 and 2017.*

11 (b) *NUCLEAR ENERGY.*—

12 (1) *IN GENERAL.*—*There are authorized to be ap-*
13 *propriated to the Secretary for research, development,*
14 *demonstration, and commercial application for nu-*
15 *clear energy technology activities within the Office of*
16 *Nuclear Energy \$504,600,000 for each of fiscal years*
17 *2016 and 2017.*

18 (2) *LIMITATION.*—*Any amounts made available*
19 *pursuant to the authorization of appropriations*
20 *under paragraph (1) shall not be derived from the*
21 *Nuclear Waste Fund established under section 302(c)*
22 *of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*
23 *10222(c)).*

24 (c) *ENERGY EFFICIENCY AND RENEWABLE ENERGY.*—
25 *There are authorized to be appropriated to the Secretary*

1 *for research, development, demonstration, and commercial*
2 *application for energy efficiency and renewable energy tech-*
3 *nology activities within the Office of Energy Efficiency and*
4 *Renewable Energy \$1,193,500,000 for each of fiscal years*
5 *2016 and 2017.*

6 (d) *FOSSIL ENERGY.—There are authorized to be ap-*
7 *propriated to the Secretary for research, development, dem-*
8 *onstration, and commercial application for fossil energy*
9 *technology activities within the Office of Fossil Energy*
10 *\$605,000,000 for each of fiscal years 2016 and 2017.*

11 (e) *ARPA–E.—There are authorized to be appro-*
12 *priated to the Secretary for the Advanced Research Projects*
13 *Agency–Energy \$140,000,000 for each of fiscal years 2016*
14 *and 2017.*

15 ***Subtitle H—Definitions***

16 ***SEC. 691. DEFINITIONS.***

17 *In this title—*

18 (1) *the term “Department” means the Depart-*
19 *ment of Energy; and*

20 (2) *the term “Secretary” means the Secretary of*
21 *Energy.*

1 **TITLE VII—DEPARTMENT OF EN-**
2 **ERGY TECHNOLOGY TRANS-**
3 **FER**

4 **Subtitle A—In General**

5 **SEC. 701. DEFINITIONS.**

6 *In this title:*

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

9 (2) *NATIONAL LABORATORY.*—The term “Na-
10 *tional Laboratory” means a Department of Energy*
11 *nonmilitary national laboratory, including—*

12 (A) *Ames Laboratory;*

13 (B) *Argonne National Laboratory;*

14 (C) *Brookhaven National Laboratory;*

15 (D) *Fermi National Accelerator Laboratory;*

16 (E) *Idaho National Laboratory;*

17 (F) *Lawrence Berkeley National Labora-*
18 *tory;*

19 (G) *National Energy Technology Labora-*
20 *tory;*

21 (H) *National Renewable Energy Labora-*
22 *tory;*

23 (I) *Oak Ridge National Laboratory;*

24 (J) *Pacific Northwest National Laboratory;*

25 (K) *Princeton Plasma Physics Laboratory;*

- 1 (L) Savannah River National Laboratory;
 2 (M) Stanford Linear Accelerator Center;
 3 (N) Thomas Jefferson National Accelerator
 4 Facility; and
 5 (O) any laboratory operated by the Na-
 6 tional Nuclear Security Administration, but
 7 only with respect to the civilian energy activities
 8 thereof.
 9 (3) SECRETARY.—The term “Secretary” means
 10 the Secretary of Energy.

11 **SEC. 702. SAVINGS CLAUSE.**

12 Nothing in this title or an amendment made by this
 13 title abrogates or otherwise affects the primary responsibil-
 14 ities of any National Laboratory to the Department.

15 **Subtitle B—Innovation Manage-**
 16 **ment at Department of Energy**

17 **SEC. 712. TECHNOLOGY TRANSFER AND TRANSITIONS AS-**
 18 **SESSMENT.**

19 Not later than 1 year after the date of enactment of
 20 this Act, and annually thereafter, the Secretary shall trans-
 21 mit to the Committee on Science, Space, and Technology
 22 of the House of Representatives and the Committee on En-
 23 ergy and Natural Resources of the Senate a report which
 24 shall include—

1 (1) *an assessment of the Department's current*
2 *ability to carry out the goals of section 1001 of the*
3 *Energy Policy Act of 2005 (42 U.S.C. 16391), includ-*
4 *ing an assessment of the role and effectiveness of the*
5 *Director of the Office of Technology Transitions; and*

6 (2) *recommended departmental policy changes*
7 *and legislative changes to section 1001 of the Energy*
8 *Policy Act of 2005 (42 U.S.C. 16391) to improve the*
9 *Department's ability to successfully transfer new en-*
10 *ergy technologies to the private sector.*

11 **SEC. 713. SENSE OF CONGRESS.**

12 *It is the sense of the Congress that the Secretary should*
13 *encourage the National Laboratories and federally funded*
14 *research and development centers to inform small businesses*
15 *of the opportunities and resources that exist pursuant to*
16 *this title.*

17 **SEC. 714. NUCLEAR ENERGY INNOVATION.**

18 *Not later than 180 days after the date of enactment*
19 *of this Act, the Secretary, in consultation with the National*
20 *Laboratories, relevant Federal agencies, and other stake-*
21 *holders, shall transmit to the Committee on Science, Space,*
22 *and Technology of the House of Representatives and the*
23 *Committee on Energy and Natural Resources of the Senate*
24 *a report assessing the Department's capabilities to author-*
25 *ize, host, and oversee privately funded fusion and non-light*

1 *water reactor prototypes and related demonstration facili-*
2 *ties at Department-owned sites. For purposes of this report,*
3 *the Secretary shall consider the Department's capabilities*
4 *to facilitate privately-funded prototypes up to 20*
5 *megawatts thermal output. The report shall address the fol-*
6 *lowing:*

7 (1) *The Department's safety review and oversight*
8 *capabilities.*

9 (2) *Potential sites capable of hosting research,*
10 *development, and demonstration of prototype reactors*
11 *and related facilities for the purpose of reducing tech-*
12 *nical risk.*

13 (3) *The Department's and National Labora-*
14 *tories' existing physical and technical capabilities rel-*
15 *evant to research, development, and oversight.*

16 (4) *The efficacy of the Department's available*
17 *contractual mechanisms, including cooperative re-*
18 *search and development agreements, work for others*
19 *agreements, and agreements for commercializing tech-*
20 *nology.*

21 (5) *Potential cost structures related to physical*
22 *security, decommissioning, liability, and other long-*
23 *term project costs.*

24 (6) *Other challenges or considerations identified*
25 *by the Secretary, including issues related to potential*

1 cases of demonstration reactors up to 2 gigawatts of
2 thermal output.

3 **Subtitle C—Cross-Sector Partner-**
4 **ships and Grant Competitiveness**

5 **SEC. 721. AGREEMENTS FOR COMMERCIALIZING TECH-**
6 **NOLOGY PILOT PROGRAM.**

7 (a) *IN GENERAL.*—The Secretary shall carry out the
8 *Agreements for Commercializing Technology pilot program*
9 *of the Department, as announced by the Secretary on De-*
10 *cember 8, 2011, in accordance with this section.*

11 (b) *TERMS.*—Each agreement entered into pursuant to
12 the pilot program referred to in subsection (a) shall provide
13 to the contractor of the applicable National Laboratory, to
14 the maximum extent determined to be appropriate by the
15 Secretary, increased authority to negotiate contract terms,
16 such as intellectual property rights, payment structures,
17 performance guarantees, and multiparty collaborations.

18 (c) *ELIGIBILITY.*—

19 (1) *IN GENERAL.*—Any director of a National
20 Laboratory may enter into an agreement pursuant to
21 the pilot program referred to in subsection (a).

22 (2) *AGREEMENTS WITH NON-FEDERAL ENTI-*
23 *TIES.*—To carry out paragraph (1) and subject to
24 paragraph (3), the Secretary shall permit the direc-
25 tors of the National Laboratories to execute agree-

1 *ments with a non-Federal entity, including a non-*
2 *Federal entity already receiving Federal funding that*
3 *will be used to support activities under agreements*
4 *executed pursuant to paragraph (1), provided that*
5 *such funding is solely used to carry out the purposes*
6 *of the Federal award.*

7 (3) *RESTRICTION.—The requirements of chapter*
8 *18 of title 35, United States Code (commonly known*
9 *as the “Bayh-Dole Act”) shall apply if—*

10 (A) *the agreement is a funding agreement*
11 *(as that term is defined in section 201 of that*
12 *title); and*

13 (B) *at least one of the parties to the funding*
14 *agreement is eligible to receive rights under that*
15 *chapter.*

16 (d) *SUBMISSION TO SECRETARY.—Each affected direc-*
17 *tor of a National Laboratory shall submit to the Secretary,*
18 *with respect to each agreement entered into under this sec-*
19 *tion—*

20 (1) *a summary of information relating to the*
21 *relevant project;*

22 (2) *the total estimated costs of the project;*

23 (3) *estimated commencement and completion*
24 *dates of the project; and*

1 (4) *other documentation determined to be appro-*
2 *priate by the Secretary.*

3 (e) *CERTIFICATION.—The Secretary shall require the*
4 *contractor of the affected National Laboratory to certify*
5 *that each activity carried out under a project for which an*
6 *agreement is entered into under this section—*

7 (1) *is not in direct competition with the private*
8 *sector; and*

9 (2) *does not present, or minimizes, any apparent*
10 *conflict of interest, and avoids or neutralizes any ac-*
11 *tual conflict of interest, as a result of the agreement*
12 *under this section.*

13 (f) *EXTENSION.—The pilot program referred to in sub-*
14 *section (a) shall be extended until October 31, 2017.*

15 (g) *REPORTS.—*

16 (1) *OVERALL ASSESSMENT.—Not later than 60*
17 *days after the date described in subsection (f), the*
18 *Secretary, in coordination with directors of the Na-*
19 *tional Laboratories, shall submit to the Committee on*
20 *Science, Space, and Technology of the House of Rep-*
21 *resentatives and the Committee on Energy and Nat-*
22 *ural Resources of the Senate a report that—*

23 (A) *assesses the overall effectiveness of the*
24 *pilot program referred to in subsection (a);*

1 (B) identifies opportunities to improve the
2 effectiveness of the pilot program;

3 (C) assesses the potential for program ac-
4 tivities to interfere with the responsibilities of the
5 National Laboratories to the Department; and

6 (D) provides a recommendation regarding
7 the future of the pilot program.

8 (2) *TRANSPARENCY.*—The Secretary, in coordi-
9 nation with directors of the National Laboratories,
10 shall submit to the Committee on Science, Space, and
11 Technology of the House of Representatives and the
12 Committee on Energy and Natural Resources of the
13 Senate an annual report that accounts for all
14 incidences of, and provides a justification for, non-
15 Federal entities using funds derived from a Federal
16 contract or award to carry out agreements pursuant
17 to this section.

18 **SEC. 722. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMER-**
19 ****CIALIZATION.****

20 (a) *IN GENERAL.*—Subject to subsections (b) and (c),
21 the Secretary shall delegate to directors of the National Lab-
22 oratories signature authority with respect to any agreement
23 described in subsection (b) the total cost of which (including
24 the National Laboratory contributions and project recipient
25 cost share) is less than \$1 million.

1 (b) *AGREEMENTS.*—*Subsection (a) applies to—*

2 (1) *a cooperative research and development*
3 *agreement;*

4 (2) *a non-Federal work-for-others agreement; and*

5 (3) *any other agreement determined to be appro-*
6 *priate by the Secretary, in collaboration with the di-*
7 *rectors of the National Laboratories.*

8 (c) *ADMINISTRATION.*—

9 (1) *ACCOUNTABILITY.*—*The director of the af-*
10 *ected National Laboratory and the affected contractor*
11 *shall carry out an agreement under this section in ac-*
12 *cordance with applicable policies of the Department,*
13 *including by ensuring that the agreement does not*
14 *compromise any national security, economic, or envi-*
15 *ronmental interest of the United States.*

16 (2) *CERTIFICATION.*—*The director of the affected*
17 *National Laboratory and the affected contractor shall*
18 *certify that each activity carried out under a project*
19 *for which an agreement is entered into under this sec-*
20 *tion does not present, or minimizes, any apparent*
21 *conflict of interest, and avoids or neutralizes any ac-*
22 *tual conflict of interest, as a result of the agreement*
23 *under this section.*

24 (3) *AVAILABILITY OF RECORDS.*—*On entering an*
25 *agreement under this section, the director of a Na-*

1 *tional Laboratory shall submit to the Secretary for*
2 *monitoring and review all records of the National*
3 *Laboratory relating to the agreement.*

4 (4) *RATES.*—*The director of a National Labora-*
5 *tory may charge higher rates for services performed*
6 *under a partnership agreement entered into pursuant*
7 *to this section, regardless of the full cost of recovery,*
8 *if such funds are used exclusively to support further*
9 *research and development activities at the respective*
10 *National Laboratory.*

11 (d) *EXCEPTION.*—*This section does not apply to any*
12 *agreement with a majority foreign-owned company.*

13 (e) *CONFORMING AMENDMENT.*—*Section 12 of the Ste-*
14 *venson-Wydler Technology Innovation Act of 1980 (15*
15 *U.S.C. 3710a) is amended—*

16 (1) *in subsection (a)—*

17 (A) *by redesignating paragraphs (1) and*
18 (2) *as subparagraphs (A) and (B), respectively,*
19 *and indenting the subparagraphs appropriately;*

20 (B) *by striking “Each Federal agency” and*
21 *inserting the following:*

22 “(1) *IN GENERAL.*—*Except as provided in para-*
23 *graph (2), each Federal agency”;* *and*

24 (C) *by adding at the end the following:*

1 “(2) *EXCEPTION.*—*Notwithstanding paragraph*
 2 *(1), in accordance with section 722(a) of the America*
 3 *COMPETES Reauthorization Act of 2015, approval*
 4 *by the Secretary of Energy shall not be required for*
 5 *any technology transfer agreement proposed to be en-*
 6 *tered into by a National Laboratory of the Depart-*
 7 *ment of Energy, the total cost of which (including the*
 8 *National Laboratory contributions and project recipi-*
 9 *ent cost share) is less than \$1 million.”; and*

10 (2) *in subsection (b), by striking “subsection*
 11 *(a)(1)” each place it appears and inserting “sub-*
 12 *section (a)(1)(A)”.*

13 **SEC. 723. INCLUSION OF EARLY-STAGE TECHNOLOGY DEM-**
 14 **ONSTRATION IN AUTHORIZED TECHNOLOGY**
 15 **TRANSFER ACTIVITIES.**

16 *Section 1001 of the Energy Policy Act of 2005 (42*
 17 *U.S.C. 16391) is amended by—*

18 (1) *redesignating subsection (g) as subsection (h);*

19 *and*

20 (2) *inserting after subsection (f) the following:*

21 “(g) *EARLY-STAGE TECHNOLOGY DEMONSTRATION.*—

22 *The Secretary shall permit the directors of the National*
 23 *Laboratories to use funds authorized to support technology*
 24 *transfer within the Department to carry out early-stage and*
 25 *pre-commercial technology demonstration activities to re-*

1 *move technology barriers that limit private sector interest*
2 *and demonstrate potential commercial applications of any*
3 *research and technologies arising from National Laboratory*
4 *activities.”.*

5 **SEC. 724. FUNDING COMPETITIVENESS FOR INSTITUTIONS**
6 **OF HIGHER EDUCATION AND OTHER NON-**
7 **PROFIT INSTITUTIONS.**

8 *Section 988(b) of the Energy Policy Act of 2005 (42*
9 *U.S.C. 16352(b)) is amended—*

10 *(1) in paragraph (1), by striking “Except as*
11 *provided in paragraphs (2) and (3)” and inserting*
12 *“Except as provided in paragraphs (2), (3), and (4)”;*
13 *and*

14 *(2) by adding at the end the following:*

15 *“(4) EXEMPTION FOR INSTITUTIONS OF HIGHER*
16 *EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—*

17 *“(A) IN GENERAL.—Paragraph (1) shall*
18 *not apply to a research or development activity*
19 *performed by an institution of higher education*
20 *or nonprofit institution (as defined in section 4*
21 *of the Stevenson-Wydler Technology Innovation*
22 *Act of 1980 (15 U.S.C. 3703)).*

23 *“(B) TERMINATION DATE.—The exemption*
24 *under subparagraph (A) shall apply during the*

1 (ii) expansion of National Laboratory
2 capabilities;

3 (iii) increased efficiency of technology
4 transfers; or

5 (iv) an increase in general efficiency of
6 the National Laboratory system; and

7 (2) assess the scale, scope, efficacy, and impact
8 of the Department's efforts to promote technology
9 transfer and private sector engagement at the Na-
10 tional Laboratories, and make recommendations on
11 how the Department can improve these activities.

12 **TITLE XXXIII—NUCLEAR ENERGY**
13 **INNOVATION CAPABILITIES**

14 **SEC. 3301. SHORT TITLE.**

15 This title may be cited as the “Nuclear Energy Innova-
16 tion Capabilities Act”.

17 **SEC. 3302. NUCLEAR ENERGY.**

18 Section 951 of the Energy Policy Act of 2005 (42
19 U.S.C. 16271) is amended to read as follows:

20 **“SEC. 951. NUCLEAR ENERGY.**

21 “(a) **MISSION.**—The Secretary shall conduct programs
22 of civilian nuclear research, development, demonstration,
23 and commercial application, including activities in this
24 subtitle. Such programs shall take into consideration the
25 following objectives:

1 “(1) *Providing research infrastructure to pro-*
2 *mote scientific progress and enable users from aca-*
3 *demia, the National Laboratories, and the private sec-*
4 *tor to make scientific discoveries relevant for nuclear,*
5 *chemical, and materials science engineering.*

6 “(2) *Maintaining National Laboratory and uni-*
7 *versity nuclear energy research and development pro-*
8 *grams, including their infrastructure.*

9 “(3) *Providing the technical means to reduce the*
10 *likelihood of nuclear weapons proliferation and in-*
11 *creasing confidence margins for public safety of nu-*
12 *clear energy systems.*

13 “(4) *Reducing the environmental impact of nu-*
14 *clear energy related activities.*

15 “(5) *Supporting technology transfer from the*
16 *National Laboratories to the private sector.*

17 “(6) *Enabling the private sector to partner with*
18 *the National Laboratories to demonstrate novel reac-*
19 *tor concepts for the purpose of resolving technical un-*
20 *certainty associated with the aforementioned objec-*
21 *tives in this subsection.*

22 “(b) *DEFINITIONS.—In this subtitle:*

23 “(1) *ADVANCED NUCLEAR REACTOR.—The term*
24 *‘advanced nuclear reactor’ means—*

1 “(A) a nuclear fission reactor with signifi-
2 cant improvements over the most recent genera-
3 tion of nuclear fission reactors, which may in-
4 clude inherent safety features, lower waste yields,
5 greater fuel utilization, superior reliability, re-
6 sistance to proliferation, and increased thermal
7 efficiency; or

8 “(B) a nuclear fusion reactor.

9 “(2) *FAST NEUTRON*.—The term ‘fast neutron’
10 means a neutron with kinetic energy above 100
11 kiloelectron volts.

12 “(3) *NATIONAL LABORATORY*.—The term ‘Na-
13 tional Laboratory’ has the meaning given that term
14 in paragraph (3) of section 2, except that with respect
15 to subparagraphs (G), (H), and (N) of such para-
16 graph, for purposes of this subtitle the term includes
17 only the civilian activities thereof.

18 “(4) *NEUTRON FLUX*.—The term ‘neutron flux’
19 means the intensity of neutron radiation measured as
20 a rate of flow of neutrons applied over an area.

21 “(5) *NEUTRON SOURCE*.—The term ‘neutron
22 source’ means a research machine that provides neu-
23 tron irradiation services for research on materials
24 sciences and nuclear physics as well as testing of ad-

1 *vanced materials, nuclear fuels, and other related*
2 *components for reactor systems.”.*

3 **SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.**

4 *Section 952 of the Energy Policy Act of 2005 (42*
5 *U.S.C. 16272) is amended—*

6 *(1) by striking subsection (c); and*

7 *(2) by redesignating subsections (d) and (e) as*
8 *subsections (c) and (d), respectively.*

9 **SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.**

10 *Section 953(a) of the Energy Policy Act of 2005 (42*
11 *U.S.C. 16273(a)) is amended by striking “, acting through*
12 *the Director of the Office of Nuclear Energy, Science and*
13 *Technology,”.*

14 **SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEER-**
15 **ING SUPPORT.**

16 *Section 954(d)(4) of the Energy Policy Act of 2005 (42*
17 *U.S.C. 16274(d)(4)) is amended by striking “as part of a*
18 *taking into consideration effort that emphasizes” and in-*
19 *serting “that emphasize”.*

20 **SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR IN-**
21 **FRASTRUCTURE AND FACILITIES.**

22 *Section 955 of the Energy Policy Act of 2005 (42*
23 *U.S.C. 16275) is amended—*

24 *(1) by striking subsections (c) and (d); and*

25 *(2) by adding at the end the following:*

1 “(c) *VERSATILE NEUTRON SOURCE.*—

2 “(1) *MISSION NEED.*—Not later than December
3 31, 2016, the Secretary shall determine the mission
4 need for a versatile reactor-based fast neutron source,
5 which shall operate as a national user facility. Dur-
6 ing this process, the Secretary shall consult with the
7 private sector, universities, National Laboratories,
8 and relevant Federal agencies to ensure that this user
9 facility will meet the research needs of the largest pos-
10 sible majority of prospective users.

11 “(2) *ESTABLISHMENT.*—Upon the determination
12 of mission need made under paragraph (1), the Sec-
13 retary shall, as expeditiously as possible, provide to
14 the Committee on Science, Space, and Technology of
15 the House of Representatives and the Committee on
16 Energy and Natural Resources of the Senate a de-
17 tailed plan for the establishment of the user facility.

18 “(3) *FACILITY REQUIREMENTS.*—

19 “(A) *CAPABILITIES.*—The Secretary shall
20 ensure that this user facility will provide, at a
21 minimum, the following capabilities:

22 “(i) *Fast neutron spectrum irradiation*
23 *capability.*

24 “(ii) *Capacity for upgrades to accom-*
25 *modate new or expanded research needs.*

1 “(B) *CONSIDERATIONS.*—*In carrying out*
2 *the plan provided under paragraph (2), the Sec-*
3 *retary shall consider the following:*

4 “(i) *Capabilities that support experi-*
5 *mental high-temperature testing.*

6 “(ii) *Providing a source of fast neu-*
7 *trons at a neutron flux, higher than that at*
8 *which current research facilities operate,*
9 *sufficient to enable research for an optimal*
10 *base of prospective users.*

11 “(iii) *Maximizing irradiation flexi-*
12 *bility and irradiation volume to accommo-*
13 *date as many concurrent users as possible.*

14 “(iv) *Capabilities for irradiation with*
15 *neutrons of a lower energy spectrum.*

16 “(v) *Multiple loops for fuels and mate-*
17 *rials testing in different coolants.*

18 “(vi) *Additional pre-irradiation and*
19 *post-irradiation examination capabilities.*

20 “(vii) *Lifetime operating costs and*
21 *lifecycle costs.*

22 “(4) *REPORTING PROGRESS.*—*The Department*
23 *shall, in its annual budget requests, provide an expla-*
24 *nation for any delay in its progress and otherwise*
25 *make every effort to complete construction and ap-*

1 *prove the start of operations for this facility by De-*
 2 *cember 31, 2025.*

3 *“(5) COORDINATION.—The Secretary shall lever-*
 4 *age the best practices for management, construction,*
 5 *and operation of national user facilities from the Of-*
 6 *fice of Science.”.*

7 **SEC. 3307. SECURITY OF NUCLEAR FACILITIES.**

8 *Section 956 of the Energy Policy Act of 2005 (42*
 9 *U.S.C. 16276) is amended by striking “, acting through the*
 10 *Director of the Office of Nuclear Energy, Science and Tech-*
 11 *nology,”.*

12 **SEC. 3308. HIGH-PERFORMANCE COMPUTATION AND SUP-**
 13 **PORTIVE RESEARCH.**

14 *Section 957 of the Energy Policy Act of 2005 (42*
 15 *U.S.C. 16277) is amended to read as 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 Nation’s capabili-*
 20 *ties to develop new reactor technologies through high-per-*
 21 *formance computation modeling and simulation techniques.*
 22 *This program shall coordinate with relevant Federal agen-*
 23 *cies through the National Strategic Computing Initiative*
 24 *created under Executive Order No. 13702 (July 29, 2015)*
 25 *while taking into account the following objectives:*

1 “(1) Utilizing expertise from the private sector,
2 universities, and National Laboratories to develop
3 computational software and capabilities that prospec-
4 tive users may access to accelerate research and devel-
5 opment of advanced nuclear reactor systems, and re-
6 actor systems for space exploration.

7 “(2) Developing computational tools to simulate
8 and predict nuclear phenomena that may be vali-
9 dated through physical experimentation.

10 “(3) Increasing the utility of the Department’s
11 research infrastructure by coordinating with the Ad-
12 vanced Scientific Computing Research program with-
13 in the Office of Science.

14 “(4) Leveraging experience from the Energy In-
15 novation Hub for Modeling and Simulation.

16 “(5) Ensuring that new experimental and com-
17 putational tools are accessible to relevant research
18 communities.

19 “(b) *SUPPORTIVE RESEARCH ACTIVITIES.*—The Sec-
20 retary shall consider support for additional research activi-
21 ties to maximize the utility of its research facilities, includ-
22 ing physical processes to simulate degradation of materials
23 and behavior of fuel forms and for validation of computa-
24 tional tools.”.

1 **SEC. 3309. ENABLING NUCLEAR ENERGY INNOVATION.**

2 *Subtitle E of title IX of the Energy Policy Act of 2005*
3 *(42 U.S.C. 16271 et seq.) is amended by adding at the end*
4 *the following:*

5 **“SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.**

6 *“(a) NATIONAL REACTOR INNOVATION CENTER.—The*
7 *Secretary shall carry out a program to enable the testing*
8 *and demonstration of reactor concepts to be proposed and*
9 *funded by the private sector. The Secretary shall leverage*
10 *the technical expertise of relevant Federal agencies and Na-*
11 *tional Laboratories in order to minimize the time required*
12 *to enable construction and operation of privately funded ex-*
13 *perimental reactors at National Laboratories or other De-*
14 *partment-owned sites. Such reactors shall operate to meet*
15 *the following objectives:*

16 *“(1) Enabling physical validation of novel reac-*
17 *tor concepts.*

18 *“(2) Resolving technical uncertainty and in-*
19 *creasing practical knowledge relevant to safety, resil-*
20 *ience, security, and functionality of first-of-a-kind re-*
21 *actor concepts.*

22 *“(3) General research and development to im-*
23 *prove nascent technologies.*

24 *“(b) REPORTING REQUIREMENT.—Not later than 180*
25 *days after the date of enactment of the Nuclear Energy In-*
26 *novation Capabilities Act, the Secretary, in consultation*

1 *with the National Laboratories, relevant Federal agencies,*
2 *and other stakeholders, shall transmit to the Committee on*
3 *Science, Space, and Technology of the House of Representa-*
4 *tives and the Committee on Energy and Natural Resources*
5 *of the Senate a report assessing the Department's capabili-*
6 *ties to authorize, host, and oversee privately funded experi-*
7 *mental advanced nuclear reactors as described under sub-*
8 *section (a). The report shall address the following:*

9 “(1) *The Department's oversight capabilities, in-*
10 *cluding options to leverage expertise from the Nuclear*
11 *Regulatory Commission and National Laboratories.*

12 “(2) *Potential sites capable of hosting activities*
13 *described under subsection (a).*

14 “(3) *The efficacy of the Department's available*
15 *contractual mechanisms to partner with the private*
16 *sector and Federal agencies, including cooperative re-*
17 *search and development agreements, strategic partner-*
18 *ship projects, and agreements for commercializing*
19 *technology.*

20 “(4) *Potential cost structures related to long-*
21 *term projects, including physical security, distribu-*
22 *tion of liability, and other related costs.*

23 “(5) *Other challenges or considerations identified*
24 *by the Secretary.”.*

1 **SEC. 3310. BUDGET PLAN.**

2 (a) *IN GENERAL.*—*Subtitle E of title IX of the Energy*
3 *Policy Act of 2005 (42 U.S.C. 16271 et seq.) is further*
4 *amended by adding at the end the following:*

5 **“SEC. 959. BUDGET PLAN.**

6 *“Not later than 12 months after the date of enactment*
7 *of the Nuclear Energy Innovation Capabilities Act, the De-*
8 *partment shall transmit to the Committee on Science,*
9 *Space, and Technology of the House of Representatives and*
10 *the Committee on Energy and Natural Resources of the Sen-*
11 *ate 2 alternative 10-year budget plans for civilian nuclear*
12 *energy research and development by the Department. The*
13 *first shall assume constant annual funding for 10 years at*
14 *the appropriated level for the Department’s civilian nuclear*
15 *energy research and development for fiscal year 2016. The*
16 *second shall be an unconstrained budget. The two plans*
17 *shall include—*

18 *“(1) a prioritized list of the Department’s pro-*
19 *grams, projects, and activities to best support the de-*
20 *velopment of advanced nuclear reactor technologies;*

21 *“(2) realistic budget requirements for the De-*
22 *partment to implement sections 955(c), 957, and 958*
23 *of this Act; and*

24 *“(3) the Department’s justification for con-*
25 *tinuing or terminating existing civilian nuclear en-*
26 *ergy research and development programs.”.*

1 **(b) REPORT ON FUSION INNOVATION.**—Not later than
2 6 months after the date of enactment of this title, the Sec-
3 retary of the Department of Energy shall transmit to the
4 Committee on Science, Space, and Technology of the House
5 of Representatives and the Committee on Energy and Nat-
6 ural Resources of the Senate a report that will identify en-
7 gineering designs for innovative fusion energy systems that
8 have the potential to demonstrate net energy production not
9 later than 15 years after the start of construction. In this
10 report, the Secretary will identify budgetary requirements
11 that would be necessary for the Department to carry out
12 a fusion innovation initiative to accelerate research and de-
13 velopment of these designs.

14 **SEC. 3311. CONFORMING AMENDMENTS.**

15 The table of contents for the Energy Policy Act of 2005
16 is amended by striking the item relating to section 957 and
17 inserting the following:

“957. High-performance computation and supportive research.

“958. Enabling nuclear energy innovation.

“959. Budget plan.”.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

S. 2012

AMENDMENT