

ENERGY POLICY MODERNIZATION ACT OF 2016

S. 2012

JOINT STAFF ENGROSSED SECTION-BY-SECTION ANALYSIS

MAY 2016

List of Acronyms

ARPA-E – Advanced Research Projects Agency-Energy
ATVM – Advanced Technology Vehicles Manufacturing
BLM – Bureau of Land Management
BPS – Bulk-Power System
BSEE – Bureau of Safety and Environmental Enforcement
CCUS – Carbon Capture, Utilization and Storage
CEII – Critical Electric Infrastructure Information
CEQ – Council on Environmental Quality
CHP – Combined Heat and Power
CFTC – Commodity Futures Trade Commission
Corps – U.S. Army Corps of Engineers
DOE – Department of Energy
ECPA – Energy Conservation and Production Act
EERE – Energy Efficiency and Renewable Energy
EIA – Energy Information Administration
EISA – Energy Independence and Security Act
EPA – Environmental Protection Agency
EPACT – Energy Policy Act
EPCA – Energy Policy Conservation Act
ERO – Electric Reliability Organization
FEMA – Federal Emergency Management Agency
FERC or Commission – Federal Energy Regulatory Commission
FHA – Federal Housing Administration
FLTFA – Federal Land Transaction Facilitation Act
FPA – Federal Power Act
GSA – Geothermal Steam Act
HUD – Housing and Urban Development
Integrated Plan – Yakima River Basin Integrated Water Resource Plan
LDRD – Lab Directed Research and Development
LED - Light-emitting diodes
LWCF – Land and Water Conservation Fund
NECPA – National Energy Conservation Policy Act
NPS – National Park Service
OMB – Office of Management and Budget
Project – Yakima River Basin Water Enhancement Project
P.S. – Public School
QER - Quadrennial Energy Review
Reclamation – Bureau of Reclamation
RIS – Reliability Impact Statement
SBA – Small Business Administration
SPR – Strategic Petroleum Reserve
USFS – U.S. Forest Service
USGS – U.S. Geological Survey
WHP – Waste Heat to Power

S. 2012 Engrossed Section-by-Section Analysis

Section 1. Short title; Table of contents.

Section 1 provides a short title and table of contents.

Section 2. Definitions.

Section 2 defines key terms.

TITLE I--EFFICIENCY

SUBTITLE A--BUILDINGS

Section 1001. Greater energy efficiency in building codes.

Section 1001(a) amends section 303 of the Energy Conservation and Production Act (ECPA) to add certain definitions; section 1001(b) amends section 304 of ECPA to require that the Secretary of Energy encourage and support the adoption of building energy codes by States, local governments, or Indian tribes that meet or exceed model building energy codes; section 1001(d) amends section 307 of ECPA to require that the Secretary of Energy support the updating of model building energy codes.

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

Section 1002 directs the Secretary of Housing and Urban Development (HUD) to conduct a pilot project that demonstrates the use of budget-neutral, performance-based agreements for energy or water conservation improvements in HUD multifamily housing.

Section 1003. Coordination of energy retrofitting assistance for schools.

Section 1003 directs the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) to coordinate and disseminate information on existing Federal programs that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

Section 1004. Energy efficiency materials pilot program.

Section 1004 directs the Secretary of Energy to establish a pilot program to award grants for the purpose of purchasing materials for retrofitting nonprofit buildings with energy-efficiency improvements.

Section 1005. Utility energy service contracts.

Section 1005 amends section 546 of the National Energy Conservation Policy Act (NECPA) to extend the maximum potential contract period of utility energy service contracts from 10 to 25 years.

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

Section 1006 amends contracting authority and reporting in section 543 of NECPA to direct Federal agencies to implement cost-effective energy efficiency projects – including entering into energy savings performance contracts and utility energy service contracts – to execute energy and water conservation measures at Federal buildings. Section 1006(g) specifies that the term 'federal building' does not include a dam, reservoir, or hydropower facility owned or operated by a Federal agency.

Section 1007. Building training and assessment centers.

Section 1007 directs the Secretary of Energy to provide grants to institutions of higher education and Tribal Colleges or Universities to establish building training and assessment centers.

Section 1008. Career skills training.

Section 1008 directs the Secretary of Energy to provide grants to eligible entities to cover a portion of the cost of career skills training programs that lead to students receiving an industry-related certification for the installation of energy efficient building technologies.

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

Section 1009 amends section 543 of NECPA by adding a section that directs the Director of the Office of Management and Budget (OMB) to collaborate with each Federal agency to develop an implementation strategy for the maintenance, purchase, and use of energy-efficient and energy-saving information technologies.

Section 1010. Availability of funds for design updates.

Section 1010 amends section 3307 of title 40 of the U.S. Code to allow the Administrator of General Services (GSA) to use appropriated funds to update the design of a building for which the design has been substantially completed but on which construction has not begun to meet applicable Federal building energy efficiency standards.

Section 1011. Energy efficient data centers.

Section 1011 amends section 453 of the Energy Independence and Security Act (EISA) of 2007 to update the Voluntary National Information Program. The section requires the development of a metric for data center energy efficiency, and the Secretary of Energy and Director of OMB to maintain a data center energy practitioner program and an open data initiative for Federal data center energy usage.

Section 1012. Weatherization Assistance Program.

Section 1012(a) amends section 422 of ECPA to reauthorize the Weatherization Assistance Program. Subsection (b) adds a new section 414C to ECPA to require the Secretary of Energy to provide competitive grants to nonprofit organizations with a record of making energy efficient improvements to conduct housing energy retrofits for low-income persons.

Section 1013. Reauthorization of State energy program.

Section 1013 amends section 365(f) of Energy Policy Conservation Act (EPCA) to reauthorize the State Energy Program.

Section 1014. Smart building acceleration.

Section 1014 directs the Secretary of Energy to establish the 'Federal Smart Building Program' to accelerate investment in, and deployment of, smart building technologies by demonstrating the costs and benefits of implementing smart building technology in public and private sector buildings. The section would also direct the Secretary to undertake research and development to address barriers to the integration of such technology.

Section 1015. Repeal of fossil phase-out.

Section 1015 amends section 305(a)(3) of ECPA to repeal the requirement that new Federal buildings and Federal buildings undergoing major renovations phase out fossil fuel-generated energy consumption by 2030.

Section 1016. Federal building energy efficiency performance standards.

Section 1016(a) amends section 303 of ECPA to expand the scope of building energy efficiency performance standards for new federal buildings to include major renovations. Subsection (b) amends section 305(a)(3) of ECPA to require the Secretary of Energy to establish more stringent revised Federal building energy efficiency performance standards for new Federal buildings and Federal buildings with major renovations unless demonstrated not to be lifecycle cost effective.

Section 1017. Codification of Executive Order.

Section 1017 directs the head of each Federal agency to reduce their building energy intensity by 2.5 percent per year for fiscal years 2016 through 2025.

Section 1018. Certification for green buildings.

Section 1018 amends section 305 of ECPA to direct the Secretary of Energy to determine which certification systems for green commercial and residential buildings are the most likely to encourage a comprehensive and environmentally sound approach to the certification of green buildings.

Section 1019. High performance green federal buildings.

Section 1019 amends section 436(h) of EISA 2007 to require the Federal Director of the Office of Federal High-Performance Green Buildings within the GSA to identify and provide to the Secretary of Energy with a list of certification systems most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.

Section 1020. Evaluation of potentially duplicative green building programs.

Section 1020 requires the Secretary of Energy to evaluate potentially duplicative green building programs within the federal government, and to determine if there are ways to eliminate overlap, improve coordination, and increase their effectiveness.

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

Section 1021 requires the DOE to conduct a study that results in a report to quantify the energy savings benefits of operational efficiency programs and services for commercial, institutional, industrial, and governmental entities.

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

Section 1022 amends title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow recipients of Federal Emergency Management Agency (FEMA) disaster assistance to voluntarily use those funds to replace damaged products or structures with more energy efficient models.

Section 1023. Watersense.

Section 1023 formally authorizes the existing voluntary WaterSense program which has as its primary purpose, the identification of water-efficient products, buildings, and landscapes that conserve water use, and conserve energy use to transport and treat water. The section directs the agency to promote the voluntary labeling of, among other things, plumbing products, water efficient buildings, and facilities.

SUBTITLE B--APPLIANCES

Section 1101. Extended product system rebate program.

Section 1101 directs the Secretary of Energy to establish a rebate program to encourage the replacement of energy inefficient electric motors.

Section 1102. Energy efficient transformer rebate program.

Section 1102 directs the Secretary of Energy to establish a rebate program to encourage the replacement of energy inefficient transformers.

Section 1103. Standards for certain furnaces.

Section 1103 amends section 325(f)(4) of EPCA to make any action regarding a final rule contingent upon a determination by an advisory group convened by the Secretary of Energy regarding whether a nationwide requirement for a condensing furnace efficiency standard is technically feasible and economically justified.

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

Section 1104 amends section 324A of EPCA by directing the Administrator to revise the certification requirements for Energy Star program partners that manufacture consumer electronic products and have complied with all program requirements for at least 18 months.

Section 1105. Energy conservation standards for commercial refrigeration equipment.

Section 1105 postpones the implementation of new DOE energy efficiency standards for specific types of commercial refrigerators that conflict with new regulations from the Environmental Protection Agency (EPA) that phase out the use of certain refrigerants. This delay allows affected manufacturers time to redesign their refrigerators to meet requirements from both agencies.

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

Section 1106 amends section 326(b) of EPCA to require DOE to recognize certain qualified voluntary, independent certification programs for energy conservation standards for air conditioning, furnace, boiler, heat pump, and water heater products, and to rely on these programs to verify the performance rating of these products, provide annual reports of all test results, and maintain a publicly available list of all certified models.

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

Section 1107 amends section 321 of the EPCA to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes (LED), or organic LEDs providing illumination, or ceiling fans using direct current motors from energy conservation standards for external power supplies.

SUBTITLE C--MANUFACTURING

Section 1201. Manufacturing energy efficiency.

Section 1201 amends section 452 of EISA 2007 to add the 'Future of Industry Program' and 'Sustainable Manufacturing Initiative.' These programs direct Industrial Assessment Centers to

coordinate with other Federal manufacturing programs, National Laboratories, and energy service and technology providers, and direct DOE's Office of EERE to provide onsite technical assessments to manufacturers seeking efficiency opportunities.

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

Section 1202 directs the Secretary of Energy to expand the scope of technologies covered by the Industrial Assessment Centers of DOE to include smart manufacturing technologies and practices and equip the Centers' Directors with tools and training to provide technical assistance in smart manufacturing to manufactures.

Section 1203. Leveraging smart manufacturing infrastructure at National Laboratories.

Section 1203 directs the Secretary of Energy to study and implement ways for small and medium manufacturers to access the high-performance computing facilities at National Laboratories.

SUBTITLE D--VEHICLES

Section 1301. Short title.

Section 1301 provides a short title for the subtitle.

Section 1302. Objectives.

Section 1302 lays out the objectives of the subtitle.

Section 1303. Coordination and nonduplication.

Section 1303 requires the Secretary of Energy to ensure, to the maximum extent practicable, that the activities authorized by this subtitle are not duplicative of other programs.

Section 1304. Authorization of appropriations.

Section 1304 authorizes appropriations through Fiscal Year 2020 for the DOE's vehicle technologies program.

Section 1305. Reporting.

Section 1305 requires annual reports through Fiscal Year 2020 for the DOE's vehicle technologies program.

PART I--VEHICLE RESEARCH AND DEVELOPMENT

Section 1306. Program.

Section 1306 authorizes a program of basic and applied research, development, engineering, demonstration, and commercial application activities for materials, technologies, and processes that could reduce petroleum use in passenger and commercial vehicles.

Section 1307. Manufacturing.

Section 1307 authorizes a program of research, development, engineering, demonstration, and commercial application for advanced vehicle manufacturing technologies and practices.

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

Section 1308. Program.

Section 1308 authorizes a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial, vocational, recreational, and transit vehicles.

Section 1309. Class 8 truck and trailer systems demonstration.

Section 1309 authorizes a program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms.

Section 1310. Technology testing and metrics.

Section 1310 directs the Secretary of Energy to develop standard testing procedures for evaluating the performance of advanced heavy vehicle technologies.

Section 1311. Nonroad systems pilot program.

Section 1311 authorizes a pilot program of research, development, demonstration, and commercial application for technologies to improve total machine or system efficiency for nonroad mobile equipment.

PART III--ADMINISTRATION

Section 1312. Repeal of existing authorities.

Section 1312 repeals a number of provisions within the U.S. Code that are no longer necessary as a result of this subtitle.

Sec. 1313. Reauthorization of diesel emissions reduction program.

Section 1313 amends section 797 of the Energy Policy Act of 2005 (EPACT 2005) to reauthorize the diesel emissions reduction program through the year 2021.

Sec. 1314. Gaseous fuel dual fueled automobiles.

Section 1314 modifies the calculation of fuel economy for gaseous fuel dual fueled automobiles by allowing the Department of Transportation to use a percentage utilization table for the calculation of regulatory credits awarded to alternative fueled vehicles.

SUBTITLE E—SHORT TITLE

Section 1401. Short Title.

Section 1401 provides a short title for Title I.

Subtitle F—Housing

Sec. 1501. Definitions.

Section 1501 defines key terms used in the subtitle.

Sec. 1502. Enhanced energy efficiency underwriting criteria.

Section 1502 directs the Secretary of Housing and Urban Development (HUD), in consultation with an advisory group defined in section 1505(c) to issue guidelines for the Federal Housing Administration (FHA) to implement enhanced loan eligibility requirements that include expected energy cost savings when determining if the loan applicant has sufficient income to pay the mortgage. Section 1502(d) prohibits the FHA from imposing costs or penalties on covered loans if an energy efficiency report is used unless significant additional default risk is demonstrated. Section 1502(e) prohibits the FHA from modifying existing underwriting standards that reduce the benefits achieved under this section or impose greater buy back requirements, credit overlays or insurance requirements due to the use of an energy efficiency report. Section 1502(f) requires that by December 31, 2019, the FHA implements the enhanced loan eligibility requirements developed under this section for residential single family homes and condominiums.

Sec. 1503. Enhanced energy efficiency underwriting valuation guidelines.

Section 1503 directs the Secretary of HUD, in consultation with the advisory group established in section 1505(c) and the Federal Financial Institutions Examination Council, to develop guidelines for the FHA to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that is voluntarily provided to the mortgagee by the homeowner and issue guidelines for FHA to determine the estimated energy savings for properties with such an energy efficiency report. Section 1503(g) requires that by December 31, 2019, the FHA implements the guidelines developed under this section for the sale or refinancing of any home loan defined as a residential property, including condominiums.

Sec. 1504. Monitoring.

Section 1504 requires the FHA to issue a report not later than one year after implementation and annually thereafter on the number of covered loans with an energy efficiency report, default rates, rates of foreclosure and risk premiums.

Sec. 1505. Rulemaking.

Section 1505 directs the Secretary of HUD, in consultation with the Secretary of the Department of Energy and the advisory group established in section 1505(c), to prescribe regulations to carry out this subtitle. Section 1505(c) directs the Secretary of HUD to establish an advisory group consisting of mortgage lenders, appraisers, energy raters, energy efficiency organizations, real estate agents, home builders and remodelers, consumer advocates, state energy officials and others as determined by HUD.

Sec. 1506. Additional study.

Section 1506 directs the Secretary of HUD to reconvene the advisory group established in section 1505(c) within 18 months of implementation to receive recommendations on any revisions to the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

TITLE II--INFRASTRUCTURE

SUBTITLE A--CYBERSECURITY

Section 2001. Cybersecurity threats.

Section 2001 adds a new section, 224, to the Federal Power Act (FPA). The new section 224(b) provides the Secretary of Energy with emergency authority to protect the bulk-power system (BPS) from cybersecurity threats. The new section 224(c) specifies the duration of the emergency authority. The new section 224(d) directs the Federal Energy Regulatory Commission (FERC or Commission) to adopt regulations to permit entities subject to an emergency order under this section to seek recovery of prudently-incurred costs required to implement actions ordered by the Secretary of Energy, to designate critical electric infrastructure information (CEII), to prohibit the unauthorized disclosure of CEII, and to ensure there are appropriate sanctions in place for the knowing and willful disclosure of such protected information by FERC personnel or agents of the Commission. The new subsection 224(d)(1) protects CEII from disclosure under federal or state sunshine laws.

Section 2002. Enhanced grid security.

Section 2002 codifies the DOE as the Sector-Specific Agency for cybersecurity for the energy sector and specifies the DOE's duties with regard to that role. Directs the Secretary of Energy to carry out a cybersecurity-related research, development, and demonstration program; perform pilot demonstration projects for new technologies; and develop workforce curricula for energy sector-related cybersecurity.

SUBTITLE B--STRATEGIC PETROLEUM RESERVE

Section 2101. Strategic Petroleum Reserve modernization.

Section 2101(a) reaffirms the strategic importance of the Strategic Petroleum Reserve (SPR). Section 2101(b) restricts the uses of funds raised from any drawdown to purposes directly related either to the operation of the SPR or to projects that enhance U.S. energy security. Section 2101(c) amends the definition of 'related facility' to include terminals.

Sec. 2102. Strategic petroleum reserve drawdown and sale.

Section 2102 amends the Bipartisan Budget Act of 2015 to provide discretionary authority to the Secretary of Energy to increase the drawdown and sales from the SPR and establishes a limit of \$5,050,000,000 for revenue generated from such sales.

SUBTITLE C--TRADE

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

Section 2201(a) requires the Secretary of Energy to issue a final decision, approving or disapproving, any application to export natural gas to countries that do not have free trade agreements with the United States no later than 45 days after the FERC or Maritime Administration has concluded the review required by the National Environmental Policy Act of 1969 (NEPA). Section 2201(c)(1) grants, to the U.S. Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located, original and exclusive jurisdiction over any civil action for the review of an order issued by the Secretary of Energy with respect to such an application or the Secretary's failure to issue a final decision on such an application. Section 2201(c)(3) provides for expedited consideration of civil actions brought under the section. Section 2201(c)(4) provides for the transfer of petitions for review upon the motion of an applicant.

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

Section 2202 amends section 3 of the Natural Gas Act to require DOE to collect data on exports of liquefied natural gas, and to require that this data be made public.

Section 2203. Energy data collaboration.

Section 2203 requires the Energy Information Administration (EIA) to collaborate with Mexican and Canadian officials to improve the collection of cross-border energy data and provide periodic updates to the Congressional committees of jurisdiction.

SUBTITLE D--ELECTRICITY AND ENERGY STORAGE

Section 2301. Grid storage program.

Section 2301 directs the Secretary of Energy to conduct a research, development, and demonstration program for electric grid energy storage to address challenges identified in the 2013 DOE Strategic Plan for Grid Energy Storage.

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

Section 2302 requires the Secretary of Energy to establish a collaborative process to develop model grid architecture and a set of future scenarios for the electric system to examine the impacts of different combinations of resources and then determine whether the creation of any additional standards for ensuring the interoperability of the grid system and associated communications networks are required.

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

Section 2303 requires the Secretary of Energy to establish a program to promote the development of hybrid micro-grid systems for isolated communities and micro-grid systems to increase the resilience of critical infrastructure.

Section 2304. Voluntary model pathways.

Section 2304 requires the Secretary of Energy to initiate development of voluntary model pathways for modernizing the electric grid through a collaborative public-private effort to facilitate certain objectives, and establishes a Steering Committee to facilitate the development.

Section 2305. Performance metrics for electricity infrastructure providers.

Section 2305 requires the Secretary of Energy to submit to Congress within two years after enactment a report that includes an evaluation of the performance of the electric grid in light of metrics to be developed and a description of the costs and benefits associated with certain evaluated scenarios developed under section 2302.

Section 2306. State and regional distribution planning.

Section 2306(a) requires the Secretary of Energy, upon the request of the State, to partner with States and regional organizations to facilitate development of State and regional electric distribution plans by conducting a resource assessment and developing open source tools for planning and operations. Section 2306(c) authorizes the Secretary to provide technical assistance to States and others.

Section 2307. Authorization of appropriations.

Section 2307 provides an authorization of appropriations to carry out sections 2302 through 2307.

Section 2308. Electric transmission infrastructure permitting.

Section 2308(a) codifies the Interagency Rapid Response Team for Transmission to improve the efficiency of electric transmitting infrastructure permitting. Section 2308(b) establishes the position of Transmission Ombudsperson within Council on Environmental Quality (CEQ) to resolve delays and complaints related to the electric transmission infrastructure permitting process. Section 2308(c) ensures the continuity of existing use and occupancy right-of-ways granted across public lands or National Forest System land (including vegetation management agreements, where applicable) for the transmission of electric energy by any Federal department or agency by providing for timely agreements between such Federal entities and the Secretaries of the Interior or Agriculture. Section 2308(d) requires that for applicable federal authorization, federal and state agencies consider environmental data collected remotely using geomatic techniques.

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

Section 2309 requires Transmission Organizations to submit a report to FERC within six months identifying barriers to the deployment of distributed energy systems and micro-grid systems, as well as potential changes to the operational requirements for, or the charges associated with, the interconnection of these resources to the Transmission Organization.

Section 2310. Net metering study guidance.

Section 2310 amends Title 18 of EPCRA 2005 and requires the Secretary of Energy to issue guidance on criteria for net metering studies conducted by the DOE and directs the DOE to undertake a study of net energy metering.

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

Section 2311(b) directs the Secretary of the Department of Energy (DOE) in consultation with the Federal Energy Regulatory Commission (FERC) to within 180 days of implementation review existing rules and procedures for determining supplemental, backup, and standby power fees for combined heat and power (CHP) and waste heat to power (WHP) systems that allow for adequate cost recovery for utilities. Section 2311(c) directs the Secretary of the DOE in consultation with the FERC to within 18 months of implementation issue model guidance on interconnection procedures and associated fees that reflect current best practices to encourage the use of CHP and WHP, while also ensuring the safety and reliability of distribution and transmission networks.

SUBTITLE E--COMPUTING

Section 2401. Exascale computer research program.

Section 2401 requires the Secretary of Energy to conduct a research program, and establish two or more National Lab partnerships with industry and institutes of higher education, to develop two or more exascale computing systems at DOE.

TITLE III--SUPPLY

SUBTITLE A--RENEWABLES

PART I--HYDROELECTRIC

Section 3001. Hydropower regulatory improvements.

Section 3001 amends the FPA by designating the FERC as the lead agency to set a binding schedule and coordinate all needed federal authorizations in order to address hydropower permitting backlogs; authorizes the Chairman of the CEQ to resolve any interagency disputes to ensure timely participation and decision-making by the resource agencies; makes improvements to the trial-type hearing process established in EPACT 2005, including requiring the FERC's existing Administration Law Judges to preside over the hearings; requires FERC to maintain an official consolidated record of a licensing proceeding; and directs the Commission to establish a voluntary pilot program to consider a region-wide approach to hydropower licensing.

Section 3002. Hydroelectric production incentives and efficiency improvements.

Section 3002 extends the incentives for hydroelectric production and efficiency improvements contained in EPACT 2005 through Fiscal Year 2025.

Section 3003. Extension of time for a Federal Energy Regulatory Commission project involving Clark Canyon Dam.

Section 3003 reinstates the FERC hydropower license for Clark Canyon Dam in Montana and extends the project start time for construction for three years.

Section 3004. Extension of time for a Federal Energy Regulatory Commission project involving Gibson Dam.

Section 3004 authorizes the FERC to extend the project start time for construction of the Gibson Dam in Montana for six years and provides that if the period for commencement of construction has expired before the enactment of this Act the license shall be reinstated.

PART II--GEOTHERMAL

SUBPART A--GEOTHERMAL ENERGY

Section 3005. National goals for production and site identification.

Section 3005 provides a Sense of Congress urging the Secretary of Interior to 'significantly increase' geothermal production from federal lands, while also urging the U.S. Geological Survey (USGS) to identify sites capable of producing 50,000 megawatts of geothermal power using the full range of available technologies, within 10 years.

Section 3006. Priority areas for development on Federal land.

Section 3006 directs the Bureau of Land Management (BLM) to identify high priority areas for geothermal development and to facilitate required leasing and development.

Section 3007. Facilitation of coproduction of geothermal energy on oil and gas leases.

Section 3007 amends section 4(b) of the Geothermal Steam Act of 1970 (GSA 1970) to allow geothermal development by co-production of electricity from oil and gas leases on federal lands using geothermal technologies.

Section 3008. Noncompetitive leasing of adjoining areas for development of geothermal resources.

Section 3008 amends section 4(b) of GSA 1970 providing for noncompetitive leasing for existing geothermal leaseholders on federal lands enabling them to lease adjoining lands administratively without rebidding. As amended, section 4(b) sets the fair market value per acre that must be paid to gain such leases, sets minimum and maximum lease prices, lists the standards that must be met by lessees to gain lands, and limits the amount of land that can be acquired without competitive bids.

Section 3009. Report to Congress.

Section 3009 requires the Secretary of Energy to report to Congress within three years on the progress made by research into geothermal technologies and requires an additional report every five years thereafter.

Section 3010. Authorization of appropriations.

Section 3010 provides an authorization of appropriations for Subpart A of Part II of Title III.

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

Sec. 3011. Definitions.

Section 3011 defines the public lands affected by this Act, and specifies solar, wind, and geothermal as the renewable energy development affected by this Act.

Sec. 3011A. Land use planning; supplements to programmatic environmental impact statements.

Section 3011A requires the Secretaries of Interior and Energy to consult to establish priority areas for development; requires review and modifications of the prioritized areas every 10 years; and streamlines NEPA requirements by authorizing the supplementation of existing environmental impact statements.

Sec. 3011B. Environmental review on covered land.

Section 3011B encourages the use of existing programmatic environmental impact statements to the greatest extent the Secretary deems sufficient.

Sec. 3011C. Program to improve renewable energy project permit coordination.

Section 3011C directs the Secretary of Interior to establish permit coordination by means of a memorandum of understanding among the Assistant Secretary of the Army for Civil Works and the Secretaries of Interior and Agriculture, which Governors of interested states may also be requested to sign. The federal agencies appoint a representative to consult on various environmental requirements to optimize permitting among various stakeholders.

Sec. 3011D. Savings clause.

Section 3011D clarifies that there is no priority or preference for renewable energy projects over other energy or mineral development on public lands.

SUBPART C--GEOTHERMAL EXPLORATION

Section 3012. Geothermal exploration test projects.

Section 3012 adds a new section 30 to GSA 1970 to allow for the use of a categorical exclusion to NEPA to permit geothermal exploration test wells to be drilled. The new section limits when the exclusion can be in place by acreage and environmental impacts and requires complete restoration of any site within three years, allows the relevant Secretary to deny any exclusion based on 'extraordinary circumstances' as defined by existing regulations, and includes review and public notice provisions.

PART III--MARINE HYDROKINETIC

Section 3013. Definition of marine and hydrokinetic renewable energy.

Section 3013 amends section 632 of EISA 2007 to revise the definition of marine hydrokinetic energy, broadening it beyond only electrical energy.

Section 3014. Marine and hydrokinetic renewable energy research and development.

Section 3014 amends both EPACT 2005 and EISA 2007 to revise DOE's authorizations for research, development, and demonstration programs and commercial application efforts involving marine hydrokinetic technology to cover current, tidal, wave, and thermal technologies. The section defines allowable research areas, coordinate research, and allow for support of in-water demonstrations of technologies and for partnerships with international entities, research centers, and businesses.

Section 3015. National Marine Renewable Energy Research, Development, and Demonstration Centers.

Section 3015 amends EISA 2007 to authorize the National Marine Renewable Energy Research, Development and Demonstration Centers to participate in demonstration projects, support in-water testing, support arrays of technology devices, and serve as information clearinghouses.

Section 3016. Authorization of appropriations.

Section 3016 amends EISA 2007 to reauthorize federal funding for marine hydrokinetic research.

PART IV--BIOMASS

Section 3017. Bio-power.

Section 3017 requires the Department of Energy, Department of Agriculture, and Environmental Protection Agency to jointly ensure, consistent with their missions, that Federal policy relating to forest bioenergy is consistent across all Federal departments and agencies, and recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management. This section also requires the Agencies to jointly establish clear and simple policies related to the use of forest biomass as an energy solution including policies that reflect the carbon-neutrality of forest bioenergy, provided these uses do not cause forests to be converted to a to non-forest use; encourage private investment throughout the forest biomass supply chain; encourage forest management to improve forest health; and recognize State initiatives to produce and use forest biomass.

SUBTITLE B--OIL AND GAS

Section 3101. Amendments to the Methane Hydrate Research and Development Act of 2000.

Section 3101 amends and reauthorizes the Methane Hydrate Research and Development Act of 2000. The section authorizes basic and applied research to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy and to identify the environmental, health, and safety impacts of such development; authorizes the identification of methane hydrate concentrations in the Gulf of Mexico and Atlantic Basin; authorizes basic and applied research, expanded education and training programs in methane hydrate resource research, and long-term environmental monitoring and research programs into the effects of the production of methane hydrate reservoirs.

Section 3102. Liquefied natural gas study.

Section 3102 requires the Secretary of Energy to submit within one year of enactment of this Act, a study on the regional economic impacts, including on the manufacturing sector and other issues, of exporting liquefied natural gas. This section also requires the Secretary to consult the

National Association of Regulatory Utility Commissioners and the National Association of State Energy Officials.

Section 3103. FERC process coordination with respect to regulatory approval of gas projects.

Section 3103 designates the FERC as the lead agency for all Federal authorizations and NEPA compliance related to natural gas transportation; expresses the sense of Congress that all such authorizations should be issued no later than 90 days after applications are deemed complete, and directs FERC to establish an interagency schedule and to refer all interagency disputes to the CEQ for prompt resolution; directs the Commission to maintain consolidated records of all relevant proceedings, and requires other agencies to defer to FERC and to undertake concurrent reviews if possible; requires any agency that does not adhere to the schedule to notify Congress and the FERC of its failure and provide a plan to rectify; and requires the FERC to make publicly available the updated schedule for each application with points of contact, expected date of completion, and explanations of delay.

Section 3104. Pilot program.

Section 3104 requires the BLM to establish a single-state, 3-year-long pilot program to streamline drilling permits in spacing units wherein the Federal Government does not own or hold more than 25 percent of the subsurface minerals and does not own or hold surface area. Subsection (c) authorizes funding for 10 full-time equivalents and requires a report to Congress after four years.

Sec. 3105. GAO review and report.

Section 3105 requires the Comptroller General to review energy production and the effects of crude oil exports on an annual basis for three years, submitting a report to the appropriate committees with recommendations to address any job losses in certain sectors.

Sec. 3106. Ethane storage study.

Section 3106 requires the Secretary of Energy and the Secretary of Commerce to conduct a study on the feasibility of establishing an ethane storage and distribution hub Marcellus, Utica, and Rogersville shale plays in the United States, submitting and releasing the results within two years of enactment to the appropriate committees.

Sec. 3107. Aliso Canyon natural gas leak task force.

Section 3107 establishes an interagency taskforce, led by the Secretary of Energy, to prepare a report within 180 days of enactment concerning the causes, impacts, and other analysis of the Aliso Canyon natural gas leak.

Sec. 3108. Report on incorporating Internet-based lease sales.

Section 3108 requires the Secretary of the Interior to submit to Congress a report concerning the incorporation of Internet-based lease sales at BLM in the event that lease sales are disrupted.

Sec. 3109. Denali National Park and Preserve natural gas pipeline.

Section 3109 strikes the George Parks Highway right-of-way provision in the 2013 Denali National Park Improvement Act (Denali Act) provide flexibility to locate the right of way based on actual conditions on the ground. The original proposed pipeline route would have crossed the Denali seismic fault. This amendment allows the project to shift the route further away from the Highway to a point where the project proponents believe such a crossing would be safer. It also amends the Denali Act to exempt such pipelines from Title XI of Alaska National Interest Lands and Conservation Act, but does not exempt the pipeline from environmental compliance analysis under NEPA.

SUBTITLE C--HELIUM

Section 3201. Rights to helium.

Section 3201(b) requires the expedited completion of environmental reviews for helium-related projects. Section 3201(c) amends the Mineral Leasing Act to repeal the Federal government's reservation of the first right to helium located on leased lands. Section 3201(d) provides the first right of refusal to explore for helium on leased lands to the lessee.

SUBTITLE D--CRITICAL MINERALS

Section 3301. Definitions. Section 3301 defines key terms used in the subtitle.

Section 3302. Policy.

Section 3302 amends section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 to modernize the congressional declaration of federal mineral policies.

Section 3303. Critical mineral designations.

Section 3303 requires the Secretary of the Interior, acting through the Director of the USGS, to establish a methodology for the designation of critical minerals based on the potential for supply disruptions and the importance of their use; and requires the list of critical minerals to be reviewed and updated at least every three years.

Section 3304. Resource assessment.

Section 3304 requires the Secretary of the Interior, in coordination with State geological surveys, to identify and quantify critical mineral resources throughout the United States within four years; and requires a report on the status of geological surveying for any mineral on which the United States is more than 25 percent import dependent, but which is not designated as a critical mineral.

Section 3305. Permitting.

Section 3305 outlines a series of performance improvements and reporting requirements to reduce delays in the federal permitting process for mines that will produce critical minerals. Section 3305(c) requires the development of a performance metric to evaluate progress made in improving permitting efficiency. Section 3305(e) directs OMB to include mining projects on the Federal Infrastructure Projects Permitting Dashboard. Section 3305(f) requires a report from the Small Business Administration (SBA) on regulations affecting the critical minerals industry.

Section 3306. Federal Register process.

Section 3306 requires Federal Register notices to be completed within 45 days, prepared at the organization level of the agency, and transmitted from the office in which the documents or meetings are held or the activity is initiated.

Section 3307. Recycling, efficiency, and alternatives.

Section 3307 directs the Secretary of Energy to conduct a program of research and development to promote the efficient production, use, and recycling of critical minerals throughout the supply chain, and to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

Section 3308. Analysis and forecasting.

Section 3308 directs the Secretary of the Interior, in consultation with the EIA, to establish a forecasting capability for critical mineral reliance, production, price, recycling, and related factors; requires a new 'Annual Critical Minerals Outlook;' and protects proprietary data.

Section 3309. Education and workforce.

Section 3309 provides for a workforce assessment, curriculum development, and programs related to critical minerals at institutions of higher education.

Section 3310. National geological and geophysical data preservation program.

Section 3310 reauthorizes the program created by section 351 of EPACT 2005.

Section 3311. Administration.

Section 3311 repeals the National Critical Materials Act of 1984, makes conforming amendments, and provides two savings clauses related to the effect of the critical minerals subtitle.

Section 3312. Authorization of appropriations.

Section 3312 provides an authorization of appropriations for subtitle D.

SUBTITLE E--COAL

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

Section 3401 includes a sense of the Senate calling for continued focus and investment by DOE in research, development, deployment, and implementation of carbon capture, utilization and storage (CCUS) technologies.

Section 3402. Fossil energy.

Section 3402 amends section 961(a) of EPACT 2005 to include improvement of conversion, use, and storage of carbon dioxide produced from fossil fuels as an objective in the research, development, demonstration, and commercial application programs for fossil energy at the DOE.

Section 3403. Establishment of coal technology program.

Section 3403 replaces the existing EPACT 2005 coal programs, and establishes a new coal technology program, which includes programs for research and development, large-scale pilot projects, demonstration projects, and co-fired biomass-coal projects. The program objectives are reliable, low-cost power, conversion efficiencies, carbon capture and storage, reduction of emissions, water discharge management, evaluation of geological carbon dioxide storage, and conversion of coal to other products and commodities. The section authorizes \$632 million annually from 2017 – 2020, and \$582 million in 2021. The Secretary shall report on progress towards the objectives to Congress every two years.

Section 3404. Report on price stabilization support.

Section 3404 requires DOE to produce a report for Congress within 180-days after enactment, on the costs and benefits of long-term government CO₂ purchase contracts from certain industrial sources for capturing CO₂. The report must also analyze how DOE would establish, implement, and maintain a contracting program and outline options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program.

SUBTITLE F--NUCLEAR

Section 3501. Report on fusion and fission reactor prototypes.

Section 3501 enables civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science. This includes sections authorizing new public-private partnerships and encourages the Nuclear Regulatory Commission to work with DOE to identify barriers to market for advanced nuclear fission and fusion reactors.

Section 3502. Next generation nuclear plant project.

Section 3502 removes the requirement that the project be built in a specific state.

SUBTITLE G--WORKFORCE DEVELOPMENT

Section 3601. 21st Century Energy Workforce Advisory Board.

Section 3601 establishes the 21st Century Energy Workforce Advisory Board at DOE to develop a strategy for the support and development of a skilled workforce, including underrepresented populations, to meet current and future energy sector needs.

Section 3602. Energy workforce pilot grant program.

Section 3602 establishes a four year pilot program to award competitive grants for job training programs that lead to an industry-recognized credential.

SUBTITLE H--RECYCLING

Section 3701. Recycled carbon fiber.

Section 3701 directs the Secretary of Energy to conduct a comprehensive study on the recycling of carbon fiber and production of waste carbon fiber. Upon completion of the study, directs the Secretary to develop a recycled carbon fiber demonstration project.

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

Section 3702 requires the Secretary of Energy to conduct a study to determine a cost-effective system to convert plastics into material that can be used to generate electric energy, fuels, or chemical feedstocks.

Section 3703. Eligible projects.

Section 3703 excludes projects that use commonly recycled paper from being eligible for the Title XVII DOE loan guarantee program created by EPACT 2005.

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

Section 3704 directs the Administrator of General Services to issue guidance relating to the procurement of refrigerants to service existing equipment in federal facilities. The guidance shall give preference to the use of reclaimed refrigerants provided that the refrigerant has been reclaimed by an entity certified by the Air Conditioning, Heating, and Refrigeration Institute, and the price of the refrigerant is not more than the price of a newly manufactured refrigerant.

SUBTITLE I—THERMAL ENERGY

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

Section 3801 amends the EPACT 2005 to add qualified waste heat resource to the definition of technologies that qualify as renewable energy for purposes of the Federal Purchase Requirement. This defines qualified waste heat as energy from exhaust heat or flared gas from industrial processes, heat produced by a pressure drop in an industrial or commercial process or any other forms as determined by the Secretary. The provision also prevents double counting of avoided energy by use of waste heat for benefit provisions of the Federal Purchase Requirement.

TITLE IV--ACCOUNTABILITY

SUBTITLE A--LOAN PROGRAMS

Section 4001. Terms and conditions for incentives for innovative technologies.

Section 4001(a) amends section 1702 of EPACT 2005 to require that borrowers pay no less than 25 percent of the cost of the credit subsidy for a guarantee and directs the Secretary of Energy to provide an estimate or range for the expected cost starting in Fiscal Year 2020. Section 4001(b) amends section 1702 of EPACT 2005 to clarify and reaffirm the current prohibition on subordination of debt. Section 4001(c) increases the transparency of the section 1703 loan guarantee program by establishing a process for the borrower to request the status of their application directly from DOE. Section 4001(d) repeals the temporary loan program under section 1705 of EPACT 2005.

Section 4002. State loan eligibility.

Section 4002 amends section 1701 of EPACT 2005 to clarify eligibility for State energy financing institutions and establishes terms and conditions for their participation in the Section 1703 loan guarantee program and clarifies that DOE may not use amounts appropriated prior to enactment of this act for the cost of the loan guarantees to state energy financing institutions.

Section 4003. GAO Study on fossil loan guarantee incentive program.

Section 4003 directs the Comptroller General of the United States to conduct a report on the effectiveness of DOE's advanced fossil loan guarantee program and other incentive programs for advanced fossil energy at the Department.

Section 4004. Program eligibility for vessels.

Section 4004 authorizes projects for the reequipping, expanding, or establishing of a manufacturing facility in the United States to produce vessels to be eligible for the Advanced Technology Vehicles Manufacturing (ATVM) program established by section 136 of EISA 2007. Section 4004 also prohibits the use of any existing credit subsidy and requires either new appropriations or borrowers to self-pay the credit subsidy associated with projects made eligible under the section.

Section 4005. Additional reforms.

Section 4005 directs the DOE to issue a rule that specifies energy efficiency improvement standards for the manufacturing, retrofitting, or repowering of vessels made eligible for the ATVM program, and provides the DOE, consistent with its authority under the section 1703 loan guarantee program, authority to charge fees for the ATVM program, including the ability to charge closing fees.

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

Section 4006 reauthorizes the Indian Energy Education Planning and Management Assistance Program first created by the Energy Policy Act of 1992 (EPACT 1992). It makes grants to Indian tribes for energy education, research and development, planning and management needs. It extends the current authorization for such grants from 2016 through 2021.

SUBTITLE B--ENERGY-WATER NEXUS

Section 4101. Nexus of energy and water for sustainability.

Section 4101 directs the Secretary of Energy and the Secretary of the Interior to establish an Interagency Coordination Committee, co-chaired by the Secretaries of Energy and the Interior, to identify all relevant energy-water nexus activities across the federal government; enhance the coordination of research and development activities among agencies; gather and disseminate data to enable better practices; explore relevant public-private collaboration; issue a report on the feasibility of establishing an energy-water center of excellence at the National Laboratories, and develop a research and development plan for energy-water nexus related programs. It also directs the Secretaries to establish the Nexus of Energy and Water Sustainability (NEWS) office to provide leadership and administrative support functions for the Interagency Coordination Committee.

Section 4102. Smart energy and water efficiency pilot program.

Section 4102 amends title IX of EPACT 2005 to establish a Smart Energy and Water Efficiency Pilot Program at DOE to provide grants to eligible utilities, municipalities, and water districts, as well as Indian tribes and Alaska Native villages.

SUBTITLE C--INNOVATION

Section 4201. America COMPETES programs.

Section 4201(a) amends section 971(b) of EPACT 2005 to authorize the DOE's Office of Science to carry out research, development, demonstration, and commercial applications activities. The authorization of appropriations for the Office of Science follows a seven percent annual increase.

Subsection (b) reauthorizes the Advanced Research Projects Agency-Energy (ARPA-E) and provides additional protection for program participants' proprietary information. The authorization of appropriations for the ARPA-E within the Department of Energy includes an

increase of approximately 10 percent to \$325 million for fiscal year 2016, holding flat for fiscal year 2017 and fiscal year 2018 at \$325 million, increasing by 15 percent for fiscal year 2019 to \$375 million, and holding flat for fiscal year 2020 at \$375 million.

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

Section 4202 amends section 1001 of EPACT 2005 to allow directors of National Laboratories to use technology transfer funds to carry out early stage and pre-commercial technology demonstration activities, to remove technology barriers that limit private sector interest, and to demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.

Section 4203. Supporting access of small business concerns to National Laboratories.

Section 4203 requires the Secretary of Energy to create a website relating to National Laboratory programs available to small business concerns in order to facilitate access to the National Laboratories and the promotion of technology transfer of innovative energy technologies.

Section 4204. Microlab technology commercialization.

Section 4204 allows the Secretary of Energy, in collaboration with the directors of the National Laboratories, to establish a microlab program. Section 4204(d) authorizes appropriations of \$50 million for fiscal year 2016.

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

Section 4205 expresses the sense of the Senate that research and development programs at DOE and in our National Laboratories are worthy of support and expresses support for increasing international, domestic, and regional cooperation on R&D innovations for clean, affordable, and reliable energy innovations that promote economic growth and energy security.

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

Section 4206 requires that overhead charges from the Department of Energy cannot be charged to the Lab Directed Research and Development (LDRD) portion of funds provided to DOE and National Nuclear Security Administration National Laboratories.

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

Section 4207 directs the National Science and Technology Council to establish, within one year, a new subcommittee for coordinating U.S. efforts in high-energy physics, in order to increase the effectiveness and efficiency of federally sponsored high-energy physics research programs.

SUBTITLE D--GRID RELIABILITY

Section 4301. Bulk-power system reliability impact statement.

Section 4301 amends section 215 of the FPA to require FERC, not more than 15 days after the head of a Federal agency proposes a major rule (as defined by 5 U.S.C. 804) that may significantly affect the reliable operation of the BPS, to solicit from the Electric Reliability Organization (ERO) a reliability impact statement (RIS) with respect to the proposed rule; require the ERO to transmit the RIS to FERC and to Congress; require FERC to transmit the RIS to the head of the applicable federal agency for inclusion in the public record; and, require the agency proposing the rule to consider the RIS and include a detailed response in the final rule.

Section 4302. Report by transmission organizations on diversity of supply.

Section 4302 requires Transmission Organizations to submit a report to the FERC within six months that identifies, describes, and evaluates the electric capacity resources available to the Transmission Organization; assesses the current and projected state of reliability; and assesses whether and to what extent the market rules of the Transmission Organization meet a series of criteria related to wholesale electric prices, diversity of generation, and availability of self-supply of electric capacity resources by public power entities.

SUBTITLE E--MANAGEMENT

Section 4401. Federal land management.

Section 4401 authorizes the Secretary of the Interior to establish a 'cadastre,' or computerized inventory of buildings and other real property (land), including associated infrastructure such as roads and utility systems and pipelines, collected from surveys, maps, charts and inventories that will be stored as digital data. Section 4401(b)(1)(C) authorizes the Secretary to enter into discussions with other federal agencies to utilize the data inventory system to keep track of their holdings, and authorizes the development of cost-sharing agreements so that states, local governments, and Indian tribes may also utilize the inventory system. Section(b)(4) outlines the coordination involved in collecting and creating the geographical information system (data) that will store the inventories. Section 4401(c) requires that the information be kept in a graphically geo-enabled and searchable format available to the public on the Internet, provided that the identity of any buildings and facilities that would impair or jeopardize national security or homeland defense are withheld from public disclosure. Section 4401(d) clarifies that nothing in the provision requires any new appraisals or assessments of federal assets for any purpose.

Section 4402. Quadrennial Energy Review.

Section 4402 amends section 801 of the DOE Organization Act to require the President to establish a Quadrennial Energy Review (QER) Task Force comprised of high-level agency officials. This section also requires this task force to conduct a DOE-supported review of national energy policy every four years.

Section 4403. State oversight of oil and gas programs.

Section 4403 requires the Secretary of the Interior to establish a program through which the BLM and a State, upon the request of the Governor of the State, can enter into a memorandum of understanding to consider the costs and benefits of creating consistent rules and processes governing oil and gas production activities on federal lands in the State.

Section 4404. Under Secretary for Science and Energy.

Section 4404 makes conforming amendments to the DOE Organization Act and other relevant acts to reflect the current title for this position.

Sec. 4405. Western Area Power Administration pilot project.

Section 4405 directs the establishment of a pilot program under which the Western Area Power Administration shall publish on a publicly available website a searchable database specified information relating to power system rates, capacity, budget authority, and capital expenditures and make a yearly report to Congress that describes the annual estimated avoided costs and savings as a result of the pilot project.

Sec. 4406. Research grants database.

Section 4406 directs DOE to make available certain information about research grants publicly available through a database, including every project's name, duration, milestones, recipient, and summary/abstract.

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

Section 4407 requires the Chief Counsel for Advocacy of the SBA to review the economic impact of the Bureau of Safety and Environmental Enforcement's (BSEE) offshore well control rule. This review must conclude within 1 year after the Bureau issues the final rule and a report to Congress must be submitted within 180 days after the review is completed.

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

Section 4408 directs DOE to facilitate the development and implementation of a strategy for responding to energy infrastructure and supply emergencies.

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

Section 4409 requires the Comptroller General to submit a report to Congress concerning the authority of BSEE to procure privately owned helicopter fuel.

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

Sec 4410 allows the State of Alaska to seek an additional approximately 25 acres at the Swan Lake hydroelectric project, north of Ketchikan, Alaska – a facility operated by the Southeast Alaska Power Authority. This will permit the state to use acreage from its 1959 Statehood land

entitlement to gain ground that will be flooded in the Lost Creek area. The impoundment will expand because of plans to raise the height of the facility's spillway by about 15 feet to permit the storage of extra water and thus the expansion of electricity generation from the 22.5 megawatt lake-tap hydroelectric project.

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

Section 4411 directs DOE to study the current status and effects of waiving the federal requirement for cost-sharing for universities and non-profits that engage in research projects/programs with DOE.

Sec. 4412. National park centennial.

Section 4412 provides for activities relating to the centennial of the National Park system including the establishment of the National Park Service Centennial Challenge Fund and Second Century Endowment for the National Park System. The section also addresses acceptable use of the NPS intellectual property, recognizes the role of education and interpretation in the NPS, and increases opportunities for volunteers in the park.

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

Section 4413 provides that the Secretary of Energy shall establish a program to undertake research regarding baseline avian populations and mortality and quantifies the impacts of solar energy projects on birds, as compared to other threats to birds.

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

Section 4414 provides that the Secretary of the Interior (Secretary), in consultation with the North Carolina Department of Environment and Natural Resources (NCDENR), Currituck County, and the Corolla Wild Horse Fund (CWHF), shall allow for the introduction of a small number of free-roaming wild horses from the Cape Lookout National Seashore as necessary to ensure the genetic diversity and viability of the wild horse population currently found in and around the Currituck National Wildlife Refuge. This introduction shall be managed consistent with the laws (including regulations) applicable to the Refuge and Cape Lookout Seashore, the December 2014 Wild Horse Management Agreement (U.S. Fish and Wildlife Service), the NCDENR, Currituck County, and the CWHF. This Section further permits the Secretary to enter into an agreement with the CWHF to provide for management of the horses in and around the refuge at CWHF expense.

SUBTITLE F--MARKETS

Section 4501. Enhanced information on critical energy supplies.

Section 4501 amends section 205 of the DOE Organization Act to require EIA, in cooperation with the Commodity Futures Trade Commission (CFTC), to collect data on physical oil inventories and other physical oil assets owned by the 50 largest traders of oil contracts as

determined by the CFTC. The new section 205(p) establishes a Financial Market Analysis Office within EIA.

Section 4502. Working Group on Energy Markets.

Section 4502 establishes a Working Group on Energy Markets composed of high-level agency officials chaired by the Secretary of Energy. The Working Group shall investigate the effects of financial investment in energy commodities and issue recommendations to the President and Congress if necessary.

Section 4503. Study of regulatory framework for energy markets.

Section 4503 requires the Working Group on Energy Markets to conduct a study about the pricing of crude oil and refined products and to provide to the Congressional committees of jurisdiction recommendations concerning Federal oversight and regulatory action related to transparency and excessive speculation.

SUBTITLE G--AFFORDABILITY

Section 4601. E-prize competition pilot program.

Section 4601 amends section 1008 of EPACT 2005 to add an E-prize Competition Pilot Program. The new section 1008(g)(2)(A) requires the Secretary of Energy to establish an e-prize competition or challenge pilot program to implement sustainable community and regional energy solutions that seek to reduce energy costs through increased efficiency, conservation, or technology innovation in high-cost regions. The new section 1008(g)(2)(B) provides for a prize purse to be awarded by the Secretary, in amounts determined by the Secretary, through one or more competitions or challenges.

Sec. 4602. Carbon dioxide capture technology prize.

Section 4602 expands the DOE's authority for awarding technology prizes to include the separation of carbon dioxide from dilute sources. \$50 million is authorized for this award program. The section requires a report one year from enactment on the adequacy of the authorization, and annual reports on award recipients.

SUBTITLE H--CODE MAINTENANCE

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

Section 4701 repeals an outdated study.

Section 4702. Repeal of methanol study.

Section 4702 repeals an outdated study.

Section 4703. Repeal of authorization of appropriations provision.

Section 4703 repeals expired authorizations.

Section 4704. Repeal of residential energy efficiency standards study.

Section 4704 repeals an outdated study.

Section 4705. Repeal of weatherization study.

Section 4705 repeals an outdated study.

Section 4706. Repeal of report to Congress.

Section 4706 repeals an outdated report.

Section 4707. Repeal of report by General Services Administration.

Section 4707 repeals an outdated report.

Section 4708. Repeal of intergovernmental energy management planning and coordination workshops.

Section 4708 repeals an outdated requirement for intergovernmental workshops.

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

Section 4709 repeals an outdated Inspector General audit and an outdated report.

Section 4710. Repeal of procurement and identification of energy efficient products programs.

Section 4710 repeals an outdated program at DOE.

Section 4711. Repeal of national action plan for demand response.

Section 4711 repeals an outdated report and an expired authorization.

Section 4712. Repeal of national coal policy study.

Section 4712 repeals an outdated study.

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

Section 4713 repeals an outdated study.

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

Section 4714 repeals an outdated study.

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

Section 4715 repeals an outdated study.

Section 4716. Repeal of submission of reports.

Section 4716 repeals outdated reporting requirements.

Section 4717. Repeal of electric utility conservation plan.

Section 4717 repeals an outdated requirement for electric utilities to submit a plan to Congress.

Section 4718. Emergency Energy Conservation repeals.

Section 4718 repeals outdated findings and requirements for minimum purchases of gasoline and associated fines in the event of a violation.

Section 4719. Energy Security Act repeals.

Section 4719 repeals outdated provisions related to biomass and the use of gasohol in federal motor vehicles.

Section 4720. Nuclear Safety Research, Development, and Demonstration Act of 1980 repeal.

Section 4720 repeals outdated studies.

Section 4721. Elimination and consolidation of certain America COMPETES programs.

Section 4721 repeals unused or outdated America COMPETES program authorities and consolidates other duplicative authorities.

Section 4722. Repeal of the state utility regulatory assistance.

Section 4722 repeals an outdated grant program.

Section 4723. Repeal of survey of energy saving potential.

Section 4723 repeals outdated reports to the President and Congress.

Section 4724. Repeal of photovoltaic energy program.

Section 4724 repeals an outdated photovoltaic energy commercialization program for the accelerated procurement and installation of photovoltaic solar electric systems for electric production in Federal facilities.

Section 4725. Repeal of energy auditor training and certification.

Section 4725 repeals an outdated grant program for training and certification of individuals to conduct energy audits.

Section 4726. Repeal of authorization of appropriations.

Section 4726 repeals expired authorization of appropriations.

Section 4727. Repeal of Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.

Section 4727 repeals an outdated research program.

Section 4728. Repeal of Hydrogen Research, Development, and Demonstration Program.

Section 4728 repeals an outdated research program.

Section 4729. Repeal of Study on Alternative Fuel Use in Nonroad Vehicles and Engines.

Section 4729 repeals an outdated study.

Section 4730. Repeal of Low Interest Loan Program for Small Business Fleet Purchases.

Section 4730 repeals an outdated low interest loan program.

Section 4731. Repeal of Technical and Policy Analysis for Replacement Fuel Demand and Supply Information.

Section 4731 repeals an outdated requirement for technical and policy analysis.

Section 4732. Repeal of 1992 Report on Climate Change.

Section 4732 repeals an outdated report.

Section 4733. Repeal of Director of Climate Protector Establishment.

Section 4733 repeals an outdated position.

Section 4734. Repeal of 1994 Report on Global Climate Change Emissions.

Section 4734 repeals an outdated report.

Section 4735. Repeal of Telecommuting Study.

Section 4735 repeals an outdated study.

Section 4736. Repeal of Advanced Buildings for 2005 Program.

Section 4736 repeals an outdated advanced buildings program.

Section 4737. Repeal of Energy Research, Development, Demonstration, and Commercial Application Advisory Board.

Section 4737 repeals an outdated advisory board.

Section 4738. Repeal of Study on Use of Energy Futures for Fuel Purchase.

Section 4738 repeals an outdated study.

Section 4739. Repeal of Energy Subsidy Study.

Section 4739 repeals an outdated study.

Sec. 4740. Modernization of terms relating to minorities.

Section 4740 modernizes out of date terms.

TITLE V--LAND AND WATER CONSERVATION FUND REAUTHORIZATION

Section 5001. National Park Service Maintenance and Revitalization Conservation Fund.

Section 5001 establishes a NPS Critical Maintenance and Revitalization Conservation Fund to address high-priority deferred maintenance needs of the NPS with a prohibition on the use of funds for land acquisition.

Section 5002. Land and Water Conservation Fund.

Section 5002 permanently reauthorizes the Land and Water Conservation Fund (LWCF). Specifies the way in which funds may be allocated, adding two new set-asides: one for hunting, fishing, or other recreational purposes and another for recreation and conservation programs important to states. In making federal land acquisitions, the Secretaries shall consider conservation easements and are required to take into account certain considerations in determining which land or interests in land to acquire.

Section 5003. Historic Preservation Fund.

Section 5003 permanently reauthorizes the Historic Preservation Fund.

Sec. 5004. Conservation incentives landowner education program.

Section 5004 provides that not later than one year after the date of enactment of this Act, the Secretary of the Interior shall establish a conservation incentives landowner education program. The purpose of the program shall be to provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land. The program will make available information on conservations goals and options, including options such as fee title land acquisition; donation; and perpetual and term conservation easements. The Secretary shall ensure that the information provided under the program is made available to both landowners and the public. Should the Secretary of the Interior contact a landowner directly about participation in a Federal conservation program, the Secretary shall, in writing, notify the land owner of the program, and make available information on the conservation program options that may be available to the landowner.

TITLE VI--INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

Sec. 6001. Short title.

Section 6001 sets forth the short title, the “Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.”

SUBTITLE A—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS

Sec. 6011. Indian tribal energy resource development.

Section 6011(a) amends section 2602(a) of the EPACT 1992 by (1) adding a requirement that the Secretary of the Interior consult with Indian tribes before approving well-spacing programs that affect their energy resources; (2) adding a new paragraph that requires that the Secretary to provide technical assistance to Indian tribes interested in developing plans for electrification, permitting of oil and gas operations and renewable facilities, energy efficiency programs, electrical generation and other activities related to energy, plans for protecting natural, cultural and other resources, and any other plans that would assist an Indian tribe in the development or use of energy resources; and (3) requiring the Secretary to carry out the program under section 2602 of the EPACT of 1992 in cooperation with the DOE Office of Indian Energy Policy and Programs.

Section 6011(b) amends section 2602(b)(2) of the EPACT 1992 to add ‘intertribal organizations’ to the eligible grantees that can participate in the loan guarantee program under that section (in addition to Indian tribes and tribal energy resource development organizations), and to add, as an authorized use of grant funds, “activities to increase capacity of Indian tribes to manage energy development and efficiency programs.”

Section 6011(c) amends section 2602(c) of the EPACT of 1992 to include tribal energy development organizations as eligible participants in the loan guarantee program under that section. This section also requires the Secretary of Energy to adopt regulations to carry out the subsection not later than one year after the date of enactment of these amendments.

Sec. 6012. Indian tribal energy resource regulation.

Section 6012 amends section 2603(c) of the EPACT of 1992 to require the Secretary of the Interior to provide assistance, information and expertise to a tribal energy development organization (i.e., in addition to an Indian tribe) when issuing energy resource development grants under that title.

Sec. 6013. Tribal energy resource agreements.

Section 6013 makes several amendments to section 2604 of the EPACT of 1992, relating to tribal energy resource agreements (TERAs).

Sec. 6014. Technical assistance for Indian tribal governments.

Section 6014 amends section 2602(b) of the EPACT of 1992 to require the Secretary to collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of DOE available for tribal energy activities and projects.

Sec. 6015. Conforming amendments.

Section 6015 sets forth a number of conforming amendments intended to make other provisions of the EPACT of 1992 consistent with the amendments contained in sections 6011, 6012, and 6013 of this Act. In addition, section 105 expands title V's definition of "tribal energy development organization" to include any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe, including organizations incorporated pursuant to section 17 of the Indian Reorganization Act of 1934 or section 3 of the Oklahoma Indian Welfare Act.

Sec. 6016. Report.

Section 606 provides that not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to specified Congressional committees a report on activities for energy development on Indian Land.

SUBTITLE B—MISCELLANEOUS AMENDMENTS

Sec. 6201. Issuance of preliminary permits or licenses.

Section 6201 authorizes FERC to give the same preference to Indian tribes that it currently gives to States and municipalities when issuing preliminary permits or original licenses (where no preliminary permit has been issued) for hydroelectric projects.

Section 6201(b) states that the tribal preference for hydroelectric projects would not affect any preliminary permit or original license (where no preliminary permit has been issued) issued before the date of enactment of this Act. It also states that this preference would have no effect on applications for original licenses (where no preliminary permit has been issued) deemed complete by FERC before the date of enactment of this Act.

Sec. 6202. Tribal biomass demonstration project.

Section 6202 of the Act establishes a biomass demonstration project for Indian tribes and Alaska Native corporations to promote biomass energy production.

Sec. 6203. Weatherization program.

Section 6203 amends the ECPA to facilitate direct funding of Indian tribes to carry out the weatherization program. The amendment leaves intact the amount authorized to be reserved from State funding under current law but authorizes direct funding (1) if requested by the tribal organization and (2) if the Secretary of Energy determines that the low-income members of the tribe will be equally or better served by direct funding rather than through the State. This section also creates a presumption that a tribally designated housing entity under section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 that has operated without material audit exceptions would equally or better serve the low-income members of the applicable Indian tribe.

Sec. 6204. Appraisals.

Section 6204 amends title XXVI of the EPACT 1992 to require appraisals relating to the fair market value of tribal mineral or energy resources prepared by an Indian tribe or a certified third-party appraiser pursuant to a contract with the Indian tribe to be reviewed and accepted by the Secretary not later than 45 days unless the Secretary determines that the appraisal fails to meet standards created by the Secretary under this section. If the Secretary disapproves an appraisal, the Secretary is required to give written notice of the disapproval to the Indian tribe and a description of each reason for the disapproval and how the appraisal should be corrected.

Sec. 6205. Leases of restricted lands for Navajo Nation.

Section 6205 amends subsection (e)(1) of the first section of the Long-Term Leasing Act to allow the Navajo Nation to enter into a lease for the exploration, development, or extraction of any mineral resources without the approval of the Secretary, if the lease is executed under tribal regulations, approved by the Secretary and that it meets certain term limits. This section further amends the Long-Term Leasing Act by extending the maximum authorized term for a business or agricultural lease from 25 years to 99 years for the Navajo Nation. Finally, this section requires the GAO to report within five years of enactment on the progress made in carrying out the amendment made by this subsection.

Sec. 6206. Extension of tribal lease period for the Crow Tribe of Montana.

Section 6206 adds the Crow Tribe to the list of Indian tribes that are authorized under 25 U.S.C. Sec. 415(a) to enter into public, religious, educational, recreational, residential, or business leases for terms up to 99 years, with the approval of the Secretary.

Sec. 6207. Trust status of lease payments.

Section 6207 requires the Secretary, upon the request of the tribe, to hold in trust any advance payments, bid deposits, or other earnest money received by the Secretary, in connection with the review and Secretarial approval of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian. If the advance payment bid deposit or other earnest money received results from competitive bidding, only the funds of the successful bidder are to be held in trust, and only upon selection of the successful bidder. Upon Secretarial approval or disapproval of the contract or instrument, the amounts and interest would be disbursed to the Indian tribe or otherwise identified party. This section only applies to advance payments, bid deposits, or other earnest moneys received on or after the date of enactment of this Act.

TITLE VII--BROWNFIELDS REAUTHORIZATION

Sec. 7001. Short title.

Section 7001 adds a short title “The Brownfields Utilization, Investment, and Local Development Act of 2016 (BUILD Act).”

Sec. 7002. Expanded eligibility for nonprofit organizations.

Section 7002 expands the eligibility for Brownfields grants for nonprofit organizations to include certain nonprofit organizations, limited liability corporations, limited partnerships, and community development entities.

Sec. 7003. Multipurpose brownfields grants.

Section 7003 authorizes EPA to make multi-purpose grants of up to \$950,000, which provide greater certainty for long-term project financing. Limits all grants under this section to 15 percent of appropriations.

Sec. 7004. Treatment of certain publicly owned brownfield sites.

Section 7004 allows government entities that acquired brownfields property prior to January 11, 2002, that do not qualify as a bona fide prospective purchaser under section 101(40) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980, to be eligible to receive grants so long as the government entity did not cause or contribute to a release or threatened release of a hazardous substance at the property.

Sec. 7005. Increased funding for remediation grants.

Section 7005 increases funding limit for each site from the current \$200,000 to \$500,000 for each site. This section also authorizes the EPA to waive that limit, up to \$650,000 for a site, based on the anticipated level of contamination, size, or ownership status of the site.

Sec. 7006. Allowing administrative costs for grant recipients.

Section 7006 allows eligible entities to use up to eight percent of their brownfield grant or loan funding for administrative costs.

Sec. 7007. Small community technical assistance grants.

Section 7007 directs EPA to give priority in providing up to \$7,500 in technical assistance grants to eligible entities in small communities, Indian tribes, rural areas, and disadvantaged areas. Limits all grants under this section to \$600,000.

Sec. 7008. Waterfront brownfields grants.

Section 7008 directs EPA in providing brownfield grants to give consideration to brownfield sites located adjacent to a federally designated floodplain.

Sec. 7009. Clean energy brownfields grants.

Section 7009 requires EPA to establish a program to provide grants of up to \$500,000 to eligible entities and to capitalize a revolving loan fund to locate clean energy projects at brownfield sites.

Sec. 7010. Targeted funding for States.

Section 7010 authorizes EPA to use up to \$2 million each fiscal year to provide grants to States.

Sec. 7011. Authorization of appropriations.

Section 7011 authorizes appropriations of \$250 million annually through fiscal year 2018.

TITLE VIII--MISCELLANEOUS

Sec. 8001. Removal of use restriction.

Section 8001 would release the deed restrictions on a one-acre portion of the property already authorized by law to be used for a child care facility. The other two acres would continue to be subject to the existing deed's use restriction and reversionary clause. In 1989, the Department of the Interior deeded a small parcel of land to Rockingham County, Virginia, for public purposes. This land includes a garage that had previously been used by the National Park Service. The County allows the non-profit Plains Area Day Care Center in Broadway, Virginia, which provides childcare, to use of the garage as a child care center. P.L. 101-479 allowed the deed to be changed from public use for the particular use of the child care center. The non-profit that operates the day care is unable to obtain loans to make improvements and renovations to the property due to the deed restrictions and so section 8001 would amend federal law to remove that use restriction.

TITLE IX--MISCELLANEOUS

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

Section 9001 provides for an interagency transfer of land along the George Washington Memorial Parkway. The Secretary of the Interior would transfer administrative jurisdiction over 0.342 acres of federal land to the Secretary of Transportation and the Secretary of Transportation would transfer administrative jurisdiction over 0.139 acres to the Secretary of the Interior. The lands transferred would be managed in accordance with a 2002 agreement between the National Park Service and the Federal Highway Administration.

TITLE X--NATURAL RESOURCES

SUBTITLE A—LAND CONVEYANCES AND RELATED MATTERS

Sec. 10001. Arapaho National Forest boundary adjustment.

Section 10001 adjusts the boundary of the Arapaho National Forest in Colorado to include approximately 92.95 acres for addition to the Bowen Gulch Protection Area established under the Colorado Wilderness Act of 1993. Specific lots may only be included within the boundary adjustment area if the Secretary of Agriculture obtains written permission for inclusion from the lot owner(s). Nothing in this section opens privately owned land within the boundary adjustment area to public motorized use. Owners of non-Federal land within the boundary adjustment area will continue to have motorized access to their private land across certain access points historically used by the owners.

Sec. 10002. Land conveyance, Elkhorn Ranch and White River National Forest, Colorado.

Section 10002 conveys approximately 148 acres of Federal land to the Gordman-Leverich Partnership to address a survey error. The conveyance is subject to valid existing rights, and the United States reserves the right to collect rent and royalty payments on existing oil and gas leases. This conveyance should be completed within 180 days after the date of enactment of this Act, and all costs related to surveying, platting, or other activities to process the conveyance will be paid by the Gordman-Leverich Partnership.

Sec. 10003. Land exchange in Crags, Colorado.

Section 10003 directs the Secretary of Agriculture to enter into a land exchange with The Broadmoor Hotel, Inc. under which Broadmoor Hotel would convey to the United States land and trail easements comprising approximately 320 acres, in exchange for approximately 83 acres of land within the Pike National Forest in Colorado that would be conveyed by the U.S. Forest Service (USFS) to Broadmoor Hotel. The section requires that the Federal and non-Federal lands to be exchanged must be of equal value, in accordance with standard appraisal practices. Land acquired by the Secretary under this Act will become part of the Pike-San Isabel National Forest. The land exchange is expected to be completed within one year.

Sec. 10004. Cerro del Yuta and Rio San Antonio Wilderness Areas.

Section 10004 designates approximately 13,420 acres of BLM land in New Mexico within the Rio Grande del Norte National Monument as the Cerro del Yuta Wilderness and approximately 8,120 acres of land as the Rio San Antonio Wilderness. The grazing of livestock in the wilderness areas where established before the date of enactment of this Act is allowed to continue in accordance with the Wilderness Act and the BLM wilderness grazing guidelines. The section clarifies that nothing in this Act creates a protective buffer zone around the wilderness areas; that activities outside the wilderness boundaries shall not be precluded by the fact they can be seen or heard within the boundary of the wilderness areas; and releases those portions of the San Antonio Wilderness Study Area that are not designated as wilderness in this Act so that they are no longer subject to the wilderness study provisions under section 603(c) of the Federal Land Policy and Management Act.

Sec. 10005. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.

Section 10005 amends the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (P.L. 109-110) to correct a discrepancy between the official map and legal description of a parcel of land that was authorized for conveyance from the USFS to Young Life for a camp near Williams, Arizona.

Sec. 10006. Cooper Spur land exchange clarification amendments.

Section 10006 amends the Omnibus Public Land Management Act of 2009 (P.L. 111-11) to modify provisions relating to a land exchange between USFS and the Mt. Hood Meadows Oregon Limited Partnership in the State of Oregon. It updates the acreage of USFS land to be conveyed, adds improvements to the definition of non-Federal land, and requires the Secretary of Agriculture and Mt. Hood Meadows to jointly select an appraiser to conduct an appraisal of the Federal and non-Federal land to be exchanged. Separate values should be assigned to each parcel, and these values will remain in effect for up to three years following their acceptance by the Secretary unless the condition of the Federal or non-Federal land changes significantly due to fire, windstorms, or other events. The length of time for the Secretary to complete the exchange is 12 months, and the conveyance conditions are updated to require Mt. Hood Meadows to obtain a wetland delineation report and for the Secretary to reserve a 24-foot-wide nonexclusive trail easement on the Federal land.

Sec. 10007. Expedited access to certain Federal land.

Section 10007 directs the Secretary of the Interior and the Secretary of Agriculture to develop and implement a process to provide eligible organizations and individuals expedited access to federal lands to conduct search and recovery operations. The section sets forth timelines and procedures for the approval or denial of requests made by eligible organizations or individuals to carry out good Samaritan search-and-recovery missions. The section also requires the Secretaries to develop search-and-recovery focused partnerships with search and recovery organizations to: (1) coordinate good Samaritan search-and-recovery missions on such lands, and (2) expedite and accelerate mission efforts for missing individuals on such lands.

Sec. 10008. Black Hills National Cemetery boundary modification.

Section 10008 transfers administrative jurisdiction over 200 acres of land administered by BLM from the Secretary of the Interior to the Secretary of Veteran's Affairs for addition to the Black Hills National Cemetery in South Dakota.

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

Sec. 10101. Refund of funds used by States to operate national parks during shutdown.

Section 10101 requires the Director of the NPS to reimburse approximately \$2 million to the states that entered into agreements with the NPS to reopen national park sites in those six states. The funds needed to make the repayment would come from appropriations made to the NPS after the enactment of this Act.

Sec. 10102. Lower Farmington and Salmon Brook recreational rivers.

Section 10102 designates approximately 62 miles of the Farmington River and its tributary,

Salmon Brook, as components of the National Wild and Scenic Rivers System and extends the Farmington National Wild and Scenic River by 1.1 miles. The new river segments would be managed in accordance with the management plan. The Secretary of the Interior is directed to coordinate management responsibilities with the Lower Farmington River and Salmon Brook Wild and Scenic Committee and may enter into cooperative agreements to provide for long-term protection, preservation, and enhancement of the rivers and may acquire lands for the purposes of the designated river segments only by donation or from a willing seller. Zoning ordinances of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor would satisfy the requirements of the Wild and Scenic Rivers Act. Finally, the designation would not affect future licensing of the Rainbow Dam and Reservoir or impact the operation of the unlicensed hydroelectric facility at Rainbow Dam and Reservoir. The newly designated river segments would not be administered as part of the National Park System.

Sec. 10103. Special resource study of President Street Station.

Section 10103 directs the Secretary of the Interior to conduct a special resource study of President Street Station in Baltimore to assess its suitability and feasibility for potential addition to the National Park System, and to submit a report to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources within three years after the funds are made available for the study.

Sec. 10104. Special resource study of Thurgood Marshall's elementary school.

Section 10104 directs the Secretary of the Interior to conduct a special resource study of Public School (P.S.) 103 in Baltimore and any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall to assess its suitability and feasibility for potential addition to the National Park System. A report must be submitted to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee within three years after the funds are made available for the study.

Sec. 10105. Special resource study of James K. Polk presidential home.

Section 10105 directs the Secretary of the Interior to conduct a special resource study of the James K. Polk Home in Columbia, Tennessee, to assess its suitability and feasibility for potential addition to the National Park System, and to submit a report to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee within three years after the funds are made available for the study.

Sec. 10106. North Country National Scenic Trail route adjustment.

Section 10106 amends the National Trails System Act to extend the North Country National Scenic Trail from eastern New York to the Appalachian Trail in Vermont and modifies the route of the trail through Northeastern Minnesota.

Sec. 10107. Designation of Jay S. Hammond Wilderness Area.

Section 10107 designates the existing 2.6 million acre wilderness area in Lake Clark National Park and Preserve as the "Jay S. Hammond Wilderness."

Sec. 10108. Advisory Council on Historic Preservation.

Section 10108 provides adds the General Chairman of the National Association of Tribal Historical Preservation Officers to the Advisory Council on Historic Preservation.

Sec. 10109. Establishment of a visitor services facility on the Arlington Ridge tract.

Section 10109 authorizes NPS to construct a small visitor services (restroom) facility on the site of the Marine Corps Memorial (Iwo Jima) on the Arlington Ridge tract in Arlington, Virginia.

SUBTITLE C—SPORTSMEN’S ACCESS AND LAND MANAGEMENT ISSUES

PART I-NATIONAL POLICY

Sec. 10201. Congressional declaration of national policy.

Section 10201 provides a Congressional declaration of national policy building off of the Executive Orders related to Sportsmen’s issues that shall apply to all departments and agencies in accordance with their missions. Most notably, the national policy will require all federal agencies and departments to facilitate the expansion and enhancement of hunting, fishing and recreational shooting opportunities on federal lands, consistent with the missions of the departments and agencies and applicable law.

PART II—SPORTSMEN’S ACCESS TO FEDERAL LAND

Sec. 10211. Definitions.

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

Section 10212 provides that Federal land administered by USFS and BLM shall be open to hunting, fishing and recreational shooting unless the Secretary concerned closes an area in accordance with section 10213.

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

Section 10213 provides that the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, hunting, fishing, or recreational shooting shall be prohibited. Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall consult with State fish and wildlife agencies and provide public notice and an opportunity for comment. Temporary closures under this section may not exceed a period of 180 days and may not be renewed more than three times after the first temporary closure. The Secretaries shall publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section and shall submit to designated Congressional committees a list of areas of Federal land closed, the acreage of each closure, and a survey of total aggregate areas and acres closed under this section in each State, including what percentage of Federal land in each State the closed areas represent. This section shall not apply to closures less than 14 days in duration covered by a special use permit.

Sec. 10214. Shooting ranges.

Sec. 10214 provides that the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range, except the Secretary shall not lease or permit the use of Federal land for a shooting range within certain specified areas.

Sec. 10215. Federal action transparency.

Section 10215 provides that the Chairman of the Administrative Conference of the United States (Chairman) shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding year under the Equal Access to Justice provisions (5 U.S.C. 504). This section also provides that the Chairman shall create and maintain online a searchable database containing information on award of fees and other expenses made under these provisions.

The section requires that the Chairman shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding year under section 2412 of title 28. The section also requires that the Chairman shall create and maintain online a searchable database containing information on award of fees and other expenses made under this section. Finally, the section requires that the Secretary of the Treasury shall make available to the public on a website information regarding payments tendered under section 1304 of title 31.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

Sec. 10221. Commercial filming.

Section 10221 requires the Secretaries of the Interior and Agriculture to develop a single joint land use fee schedule for commercial filming and still photography. The section clarifies that commercial filming fees only apply to commercial still photography, not to all still photography; updates the use of proceeds to match use of recreational fees by providing the use of proceeds shall be in accordance with the Federal Lands Recreation Enhancement Act; and provides that the Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this act. The section exempts holders of commercial use authorizations or special recreation permits who are small businesses where the filming is incidental to the permitted activity under the commercial use authorization or special recreation permit from commercial filming or still photography permits and fees. The section also provides that commercial filming conducted by an entity that is a small business, with a crew of not more than three individuals who use only a camera and tripod, is exempt from fees under this act, but not from recovery of costs. The section makes clear that newsgathering activities shall not be considered a commercial activity under this Act.

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

Sec. 10231. Bows in parks.

Section 10231 provides that NPS shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if certain requirements are met.

Sec. 10232. Wildlife management in parks.

Section 10232 provides that if the Secretary of the Interior determines it necessary to reduce the size of a wildlife population on National Park System land in accordance with applicable law and regulation, the Secretary may use qualified volunteers to assist in carrying out such wildlife management on such land, subject to such training requirements, qualifications, and other terms and conditions that the Secretary may require.

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

Section 10233 directs the Secretary of the Interior to prepare a priority list that identifies the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or state law, to hunt, fish, or use the land for other recreational purpose but to which there is no public access or egress or to which the public access or egress to the legal boundaries of the land is significantly restricted. The section requires that for each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from another Federal agency, a state, local, or tribal government, or a private land owner. The Secretary shall develop and submit a report to designated Congressional committees that identifies how public access and egress could reasonably be provided to the legal boundaries in a manner that minimizes the impact on wildlife habitat and water quality.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

Sec. 10241. Federal Land Transaction Facilitation Act.

Section 10241 permanently reauthorizes the Federal Land Transaction Facilitation Act (FLTFA)(P.L. 106-248). The section amends section 203(2) of FLTFA to make any federally designated area eligible for FLTFA funds, regardless of when the area was established, amends section 205 of FLTFA to allow any Federal lands identified for disposal in approved land use plans to be eligible for sale, and requires \$1 million in sales annually under the program to be transferred to the general fund of the Treasury for each of the fiscal years 2016 through 2025, to offset budget scoring issues.

PART VI—FISH AND WILDLIFE CONSERVATION

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

Section 10251 defines the term “public target range;” amends the Pittman-Robertson Wildlife Restoration Act to provide five years for obligation of funds, allowing projects to be funded over multiple budget cycles; allows a state to pay up to 90 percent of the costs of acquiring land for, expanding, or constructing public target ranges (the current maximum is 75 percent); and increases the federal cost-share for public ranges to up to 90 percent. The section also states that it is the sense of Congress that Federal land agencies should cooperate with state and local governments to maintain shooting ranges.

Sec. 10252. North American Wetlands Conservation Act.

Section 10252 extends the authorization of appropriations for the North American Wetlands Conservation Act for \$50 million per year for fiscal years 2016 through 2021, and requires that any land acquisitions (or interests in land) under this Act will be subject to the same notification requirements required by the landowner conservation incentives program established in this Act.

Sec. 10253. National fish habitat conservation.

Section 10253 establishes the National Fish Habitat Board to oversee and promote the implementation of the Act, to establish national goals and priorities, to designate partnerships, and to review and recommend aquatic habitat projects. The section establishes procedures for designating Fish Habitat Partnerships and outlines criteria for approval of partnerships, and establishes procedures for consideration of fish habitat projects by the Board and criteria for the board to use in evaluating and recommending projects for funding to the Secretaries of Interior and Commerce. Projects must include a 50 percent non-Federal cost share. This section authorizes \$7,200,000 for each of fiscal years 2016 through 2021 for the Secretary of the Interior to provide funds for approved fish habitat conservation projects, of which five percent shall be made available for each fiscal year for projects carried out by Indian tribes. This section authorizes five percent of the funds be used for administrative expenses and authorizes the Secretary to transfer to the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and USGS \$500,000 each to provide technical and scientific assistance.

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

Section 10254 provides that the Gulf States Marine Fisheries Commission shall submit a report to designated Congressional Committees on the economic, conservation and management, and law enforcement impacts of the implementation of section 110 of division B of the Consolidated Appropriations Act of 2016 (P.L. 114-113).

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

Section 10255 provides that the Comptroller General of the United States shall submit a report to designated Congressional Committees on the economic, conservation and management, and law enforcement impacts of the implementation of section 110 of division B of the Consolidated Appropriations Act of 2016 (P.L. 114-113).

PART VII--MISCELLANEOUS

Sec. 10261. Respect for treaties and rights.

Sec. 10262. No priority.

SUBTITLE D—WATER INFRASTRUCTURE AND RELATED MATTERS

PART I—FONTENELLE RESERVOIR

Part I would enable the Bureau of Reclamation (Reclamation) to enter into an agreement with the State of Wyoming to complete rip-rap around the reservoir, on the condition that the State of

Wyoming pay for the entire project, including the study, design, planning, and construction of the project.

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

Sec. 10302. Savings provisions.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

Part II requires the Bureau to provide a report to Congress with: (1) an itemized list of major repair and rehabilitation needs at each Reclamation facility; (2) cost estimates of the expenditures needed to address those repairs; and (3) categorical safety rating, using the Reclamation's own existing categorical system, of the importance of addressing each item.

Sec. 10311. Definitions.

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

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

Sec. 10314. Offset.

PART III—BASIN WATER MANAGEMENT

SUBPART A—YAKIMA RIVER BASIN WATER ENHANCEMENT

Subpart A seeks to improve water management in the Yakima River Basin in Washington State by authorizing Phase III of the Yakima River Basin Water Enhancement Project (YRBWEP III or Project). Phase III is the first phase of the Yakima River Basin Integrated Water Resource Plan (Integrated Plan), an adaptive watershed management plan for the Yakima River Basin. Subpart A authorizes necessary federal participation in the Integrated Plan by amending existing programmatic legislation for YRBWEP I enacted in 1979, and YRBWEP II enacted in 1994. Provisions amend previous legislation and authorize ecosystem and fish restoration activities, increased water conservation and transfers, and drought relief and water supply provisions to support water security for communities, agriculture, and the environment.

Sec. 10321. Short title.

Section 10321 sets forth the short title of this subpart as the “Yakima River Basin Water Enhancement Project Phase III Act of 2016.”

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

Section 10322 amends Title XII of P.L. 103-434 to modify certain terms, purposes, headings, and definitions. It further modifies the Project’s purposes to include water management activities to achieve fish and wildlife benefits; to include improvements in municipal, industrial, and domestic water supplies and uses; to realize at least 85,000 acre feet of water conservation savings in addition to the 165,000 acre feet of savings targeted in the existing Basin Conservation Program; to encourage the use of voluntary transactions like water transfers and leasing; to improve the water resilience of the Basin’s ecosystems, economies, and communities; and to authorize YRBWEP III.

Sec. 10323. Yakima River Basin Water Conservation Program.

Section 10323 amends P.L. 103-434 to make a number of technical changes to the Basin Conservation Program. It directs the Conservation Advisory Group to provide recommendations to further the Project and tasks the Designated Federal Official to provide logistical support for Advisory Group meetings. The section also authorizes the State or the Federal government to fund up to the 17.5 percent local cost share of the Basin Conservation Program in exchange for the long-term use of the conserved water. This section further provides for voluntary water acquisitions to improve instream flows for anadromous and resident fish and other aquatic life.

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

Section 10324 amends section 1204 through 1211 of Public Law 103-434 regarding Yakima Basin water projects, operations, and authorizations. The section designates additional purposes for the Yakima Project, including recovery of fish and wildlife, recreation, and municipal, industrial and domestic purposes. This section furthers the development of additional storage capacity at Lake Cle Elum; provides for the update of the Interim Comprehensive Basin Operating Plan; and assists with environmental compliance activities in the Yakima River Basin. The section makes a number of technical corrections, including a name change correction for the Yakama Nation. This section further provides for water enhancements, tributary flow enhancements, and non-storage and non-surface storage measures.

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

Section 10325 specifically authorizes authorizes YRBWEP III by directing the Secretary of the Interior, in coordination with the State and the Yakama Nation, to implement the Integrated Plan, subject to feasibility studies, environmental reviews, cost-benefit analyses, and available appropriations. The section specifies a number of authorized activities, including: completing upstream and downstream fish passage at Cle Elum Reservoir and at another Yakima Project Reservoir; negotiating long-term agreements regarding a drought relief project; participating in water conservation projects and aquifer storage and recovery projects; conducting studies, feasibility analyses, and environmental reviews of fish passage, water supply, conservation, habitat restoration projects, and other alternatives; assisting the State in implementing a robust water market; and entering into agreements or making grants to the Yakama Nation, the State, or other entities subject to a 50 percent non-federal cost-share requirement.

SUBPART B—KLAMATH PROJECT WATER AND POWER

Sec. 10329. Klamath Project.

Section 10329 authorizes the Secretary of the Interior to develop and implement plans, subject to appropriation, to: (1) align water supply and demand for Klamath Project irrigation water users to be able to implement water settlements with the Klamath tribes, who hold senior water rights; and, (2) ensure that agriculture interests in the Klamath Basin have access to electricity for pumping irrigation water at rates consistent with rates paid by other similarly-situated Reclamation projects in the Pacific Northwest. In addition, the section directs the Secretary to implement the plan for addressing electricity rates, after congressional review (and subject to appropriations), and also modifies operations and maintenance policies for specific facilities within the Klamath Project.

PART IV—RESERVOIR OPERATION IMPROVEMENT

Sec. 10331. Reservoir operation improvement.

Section 10331 would establish a pilot program designed to improve management of U.S. Army Corps of Engineers (Corps), non-federal and Reclamation multi-purpose reservoirs. The pilot program would update and modernize hydropower operations and storage by requiring revisions to the water operations manuals, including flood control rule curves, with the goal of improving how these reservoirs store and release water based on the best available forecasting science and technology. Improving these processes and procedures will be beneficial in areas across the nation where drought conditions are occurring.

PART V—HYDROELECTRIC PROJECTS

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

Section 10341 authorizes the licensee to occupy up to 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior under Alaska National Interest Lands Conservation Act. It also clarifies that the expansion of the Terror Lake Hydroelectric Project remains subject to the FERC's hydropower licensing proceedings pursuant to the FPA, including section 4(e) of that Act, as well as NEPA

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

Section 10342 directs the Commission, at the request of the licensee, to issue a stay of license. It further directs the Commission, at the request of the licensee, to lift the stay of the license and make the effective date of the license the day the stay is lifted. Such request by the licensee must be made within 10 years of the date of enactment of this Act. Once the stay is lifted, the Commission is to extend the time period for project construction commencement for up to six years. Such extension is to be undertaken after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of section 13 of the FPA. This section does not prioritize or create any advantage or disadvantage for the Mahoney Lake Hydroelectric Project.

Sec. 10343. Extension of deadline for hydroelectric project.

Section 10343 authorizes the Commission to extend, for up to six years, the commencement of construction deadline for the W. Kerr Scott Hydroelectric Project No. 12642, to be located at the Corps' W. Kerr Scott Dam, on the Yadkin River, in Wilkes County, North Carolina. This section also authorizes the Commission to reinstate the license if the license has expired prior to the date of enactment of this Act. If so reinstated, the license is to be effective as of the date of its expiration.

Sec. 10344. Extension of deadline for certain other hydroelectric projects.

Section 10344 authorizes the Commission to extend, for up to six years, the commencement of construction deadline for two projects: the Flannagan Hydroelectric Project No. 12740, to be located at the Corps' John W. Flannagan Dam and Reservoir, on the Pound River in Dickinson County, Virginia, and the Gathright Hydroelectric Project No. 12737, to be located at the Corps' Gathright Dam in Alleghany County, Virginia. This section also authorizes the Commission to reinstate the license if the license has expired prior to the date of enactment of this Act. If so reinstated, the license is to be effective as of the date of its expiration.

Sec. 10345. Equus Beds Division extension.

Section 10345 extends the deadline for the implementation of the Equus Beds Aquifer Recharge and Recovery Component project located in Wichita, Kansas for an additional 10 years. The project, underway but not yet completed, is a partnership effort between the Bureau of Reclamation and the City of Wichita to construct a groundwater recharge facility to supplement the water supply for the city and surrounding areas. The extension is expected to provide the additional time needed for completion

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

Section 10346 authorizes the Commission to extend, for up to eight years, the commencement of construction deadline for the Cannonsville Hydroelectric Project No. 13287, to be located at the Cannonsville Reservoir, on the Delaware River in Delaware County, New York. This section also authorizes the Commission to reinstate the license if the license has expired prior to the date of enactment of this Act. If so reinstated, the license is to be effective as of the date of its expiration.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

Sec. 10351. Pumped storage hydropower compensation.

Section 10351 directs the Commission to initiate a proceeding within 180 days of the Act's enactment, to identify and determine the market, procurement, and cost recovery mechanisms that would encourage development of pumped storage hydropower assets.