

ENERGY AND NATURAL RESOURCES ACT OF 2017

S. 1460

JOINT STAFF SECTION-BY-SECTION SUMMARY

JULY 2017

List of Acronyms

3DEP – 3D Elevation Program
BLM – Bureau of Land Management
CWA – Commemorative Works Act
CWHF – Corolla Wild Horses Fund
DOE – Department of Energy
DOI – Department of the Interior
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
EPS – External power supply
ERO – Electric Reliability Organization
FERC or Commission – Federal Energy Regulatory Commission
FHA – Federal Housing Administration
FLPMA – Federal Land Policy Management Act
FLTFA – Federal Land Transaction Facilitation Act
FPA – Federal Power Act
GSA – Geothermal Steam Act
HUD – Housing and Urban Development
LDRD – Lab Directed Research and Development
LED - Light-emitting diodes
NECPA – National Energy Conservation Policy Act
NEPA – National Environmental Policy Act
NCDENR – North Carolina Department of Environment and Natural Resources
NPD – Non-powered dam
NPS – National Park Service
NRC – Nuclear Regulatory Commission
OMB – Office of Management and Budget
Reclamation – Bureau of Reclamation
RIS – Reliability Impact Statement
SBA – Small Business Administration
TERA – Tribal energy resource agreement
USDA – U.S. Department of Agriculture
USFS – U.S. Forest Service
USGS – U.S. Geological Survey
YRBWEP III – Yakima River Basin Water Enhancement Project Phase III

S. 1460 Section-by-Section Analysis

Section 1. Short title.

Section 1 provides a short title for the bill.

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

Section 2 organizes the Act into two divisions and provides a table of contents.

DIVISION A-ENERGY

Section 1001. Definitions.

Section 1001 provides the definition for ‘Secretary’ and ‘Department’ for division A.

TITLE I--EFFICIENCY

SUBTITLE A--BUILDINGS

Section 1101. Greater energy efficiency in building codes.

Section 1101(a) amends section 303 of the Energy Conservation and Production Act (ECPA) to add certain definitions; subsection (b) amends section 304 of ECPA to require that the Secretary of Energy encourage and support the adoption of voluntary building energy codes by States, local governments, or Indian tribes that meet or exceed model building energy codes; subsection (c) amends section 307 of ECPA to require that the Secretary of Energy support the updating of voluntary building energy codes.

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

Section 1102 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 1103. Coordination of energy retrofitting assistance for schools.

Section 1103 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 1104. Energy efficiency materials pilot program.

Section 1104 directs the Secretary of Energy to establish a pilot program to award grants for the purpose of purchasing materials to retrofit nonprofit buildings with energy-efficient products and systems.

Section 1105. Utility energy service contracts.

Section 1105 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 1106. Use of energy and water efficiency measures in Federal buildings.

Section 1106 amends contracting authority and reporting requirements 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. Subsection (g) specifies that the term ‘federal building’ does not include a dam, reservoir, or hydropower facility owned or operated by a Federal agency.

Section 1107. Building training and assessment centers.

Section 1107 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 1108. Career skills training.

Section 1108 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 1109. Energy-efficient and energy-saving information technologies.

Section 1109 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 1110. Energy efficient data centers.

Section 1110 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 1111. Weatherization Assistance Program.

Section 1111(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 1112. Reauthorization of State energy program.

Section 1112 amends section 365(f) of Energy Policy Conservation Act (EPCA) to reauthorize the State Energy Program.

Section 1113. Smart building acceleration.

Section 1113 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 1114. Repeal of fossil phase-out.

Section 1114 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 1115. Federal building energy efficiency performance standards.

Section 1115(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 1116. Federal building energy intensity improvement.

Section 1116 directs the head of each Federal agency to reduce their building energy intensity by 2.5 percent per year for fiscal years 2018 through 2027.

Section 1117. Certification for green buildings.

Section 1117 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 1118. High performance green Federal buildings.

Section 1118 amends section 436(h) of EISA 2007 to require the Federal Director of the Office of Federal High-Performance Green Buildings within the Government Services Administration 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 1119. Evaluation of potentially duplicative green building programs.

Section 1119 requires the Comptroller General of the United States to evaluate potentially duplicative green building programs within the federal government and determine if there are ways to eliminate overlap, improve coordination, or increase their effectiveness.

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

Section 1120 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.

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

Section 1121 amends title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow recipients of Federal Emergency Management Agency disaster assistance to voluntarily use those funds to replace damaged products or structures with more energy efficient models.

Section 1122. WaterSense.

Section 1122 authorizes the Environmental Protection Agency (EPA) to carry out the existing voluntary WaterSense program which has as its primary purpose the identification of water-efficient products, buildings, and landscapes that conserve water and conserve energy used 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 1201. Extended product system rebate program.

Section 1201 directs the Secretary of Energy to establish a rebate program to encourage the replacement of energy inefficient electric motors.

Section 1202. Energy efficient transformer rebate program.

Section 1202 directs the Secretary of Energy to establish a rebate program to encourage the replacement of energy inefficient transformers.

Section 1203. Third-party certification under Energy Star program.

Section 1203 amends section 324A of EPCA to direct the Administrator of the EPA 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 1204. Application of energy conservation standards to certain external power supplies.

Section 1204 amends section 321 of EPCA to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes (LED), organic LEDs providing illumination, or ceiling fans using direct current motors from energy conservation standards for external power supplies.

Section 1205. Clarification to effective date for regional standards.

Section 1205 amends section 325 of EPCA by clarifying that a regional standard shall not apply to any product that is manufactured before the effective date of the standard and is installed not later than one year after the effective date of the standard.

Section 1206. Modifying product definitions.

Section 1206 amends section 322 of EPCA to allow the Secretary of Energy through consensus agreement to modify statutory product definitions to address significant changes in the product or better enable improvements in the energy efficiency of the product and related energy using systems.

Section 1207. Clarifying rulemaking procedures.

Section 1207 amends section 325(p) of EPCA to require that any proposed rule to establish a new conservation standard for a product shall be based on the final test procedure for that product, and that the public comment period for any such proposed standard shall conclude no sooner than 180 days after the publication of the final rule on the test procedure for that product. This section provides an exception from this requirement based on consensus rules developed in consultations with stakeholders in accordance with the Negotiated Rulemaking Act of 1990.

Section 1208. Extension of nonapplication of no-load mode energy efficiency standard to certain security or life safety alarm or surveillance systems.

Section 1208 amends section 325 of EPCA to provide a six-year extension for when the Secretary of Energy must publish a final rule to determine whether external power supply (EPS) standards should be amended. The section further amends EPCA to provide a six-year extension of the manufactured on date from July 1, 2017 to July 1, 2023. Subsection (b) amends section 325 of EPCA to extend the security or life safety alarm or surveillance system exemption for as long as the current EPS efficiency standard is in effect, and to provide the Secretary of Energy

with the regulatory authority to extend the exemption in any subsequent update to the EPS standard.

SUBTITLE C--MANUFACTURING

Section 1301. Manufacturing energy efficiency.

Section 1301 amends section 452 of EISA 2007 to facilitate the 'Future of Industry Program' and the '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 1302. Leveraging existing Federal agency programs to assist small and medium manufacturers.

Section 1302 directs the Secretary of Energy to expand the scope of technologies covered by DOE's Industrial Assessment Centers to include smart manufacturing technologies and practices and equips the Centers' Directors with tools and training to provide technical assistance in smart manufacturing to manufactures.

Section 1303. Leveraging smart manufacturing infrastructure at National Laboratories.

Section 1303 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 1401. Objectives.

Section 1401 provides the objectives of the subtitle.

Section 1402. Coordination and nonduplication.

Section 1402 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 1403. Authorization of appropriations.

Section 1403 authorizes appropriations through fiscal year 2022 for the DOE's vehicle technologies program.

Section 1404. Reporting.

Section 1404 requires annual reports through fiscal year 2022 for the DOE's vehicle technologies program.

PART I--VEHICLE RESEARCH AND DEVELOPMENT

Section 1411. Program.

Section 1411 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 1412. Manufacturing.

Section 1412 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 1421. Program.

Section 1421 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 1422. Class 8 truck and trailer systems demonstration.

Section 1422 authorizes a program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms.

Section 1423. Technology testing and metrics.

Section 1423 directs the Secretary of Energy to develop standard testing procedures for evaluating the performance of advanced heavy vehicle technologies.

Section 1424. Nonroad systems pilot program.

Section 1424 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 1431. Repeal of existing authorities.

Section 1431 repeals a number of provisions within the U.S. Code that are no longer necessary as a result of this subtitle.

Section 1432. Reauthorization of diesel emissions reduction program.

Section 1432 amends section 797 of the Energy Policy Act (EPACT) of 2005 to reauthorize the diesel emissions reduction program through the year 2022.

Section 1433. Gaseous fuel dual fueled automobiles.

Section 1433 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—HOUSING

Section 1501. Definitions.

Section 1501 defines key terms used in the subtitle.

Section 1502. Enhanced energy efficiency underwriting criteria.

Section 1502 directs the Secretary of 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. Subsection (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. Subsection (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. Subsection (f) requires that by December 31, 2019, the FHA implement the enhanced loan eligibility requirements developed under this section for residential single family homes and condominiums.

Section 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 issues guidelines for the FHA to determine the estimated energy savings for properties with such an energy efficiency report. Subsection (g) requires that by December 31, 2019, the FHA implement the guidelines developed under this section for the sale or refinancing of any home loan defined as a residential property, including condominiums.

Section 1504. Monitoring.

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

Section 1505. Rulemaking.

Section 1505 directs the Secretary of HUD, in consultation with the Secretary of Energy and the advisory group established in subsection (c), to prescribe regulations to carry out this subtitle. Subsection (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.

Section 1506. Additional study.

Section 1506 directs the Secretary of HUD to reconvene the advisory group established in section 1505(c) within 18 months of enactment of this Act 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. Sanctions for disclosure of critical electric infrastructure information.

Section 2001 amends section 215A(d)(2) of the Federal Power Act to ensure there are appropriate sanctions in place for the knowing and willful disclosure of protected critical electric infrastructure information by current or former Federal Energy Regulatory Commission (FERC or Commission) Commissioners, personnel or agents of the Commission, or personnel or agents of the DOE.

Section 2002. Enhanced grid security.

Section 2002 authorizes DOE cybersecurity-related research, development, and demonstration programs.

SUBTITLE B--STRATEGIC PETROLEUM RESERVE

Section 2101. Strategic petroleum reserve drawdown and sale.

Section 2101 amends the Bipartisan Budget Act of 2015 to provide discretionary authority to the Secretary of Energy to increase the drawdown and sales from the Strategic Petroleum Reserve 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). Subsection (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. Subsection (c)(3) provides for expedited consideration of civil actions brought under the section. Subsection (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 require that this data be made public.

SUBTITLE D--ELECTRICITY

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 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 grid to examine the impacts of different combinations of resources, and then directs the Secretary to determine whether the creation of any additional standards are needed to ensure the interoperability of the grid system and associated communications networks.

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 that 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 of this Act --- a report that includes an evaluation of the performance of the electric grid, in light of metrics which are to be developed, and a description of the costs and benefits associated with certain evaluated scenarios developed under section 2302.

Section 2306. Voluntary State, regional, and local electricity distribution planning.

Section 2306(a) requires that upon the request of a State, regional organization, or electric utility, the Secretary of Energy 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. Subsection (d) 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. Power marketing administration agreements.

Section 2308 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 2309. Report by transmission organizations on distributed energy resources and interconnected micro-grid systems.

Section 2309 requires Transmission Organizations to submit a report to FERC 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. Vegetation management, facility inspection, and operation and maintenance on Federal land containing electric transmission and distribution facilities.

Section 2310 amends the Federal Land Policy and Management Act (FLPMA) of 1976 by adding a section on vegetation management, facility inspection, and operations and maintenance for electricity rights-of-way. This section requires guidance compatible with mandatory reliability standards established by the Electric Reliability Organization (ERO), and an option for owners and operators of electric assets to develop and submit a plan. Subsection (e) permits the owner or operator of electric transmission or distribution assets to prune or remove vegetation that presents an imminent danger of falling into an electric line. Subsection (g) directs the applicable Secretary not to impose strict liability, in certain instances, for owners of transmission lines that have submitted a vegetation management plan.

Section 2311. Study of combined heat and power systems and waste heat to power systems.

Section 2311 authorizes the Secretary of Energy, in consultation with FERC, to conduct a study of existing rules and procedures relating to interconnection and supplemental, backup, and standby power fees for combined heat and power and waste heat to power systems that allow for adequate cost recovery for utilities.

Section 2312. Bulk-power system reliability impact statement.

Section 2312 amends section 215 of the Federal Power Act (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 bulk-power system, to solicit from the ERO a reliability impact statement (RIS) with respect to the proposed rule; requires the ERO to transmit the RIS to FERC and to Congress; requires FERC to transmit the RIS to the head of the applicable federal agency for inclusion in the public record; and, requires the agency proposing the rule to consider the RIS and include a detailed response in the final rule.

Section 2313. Report by transmission organizations on diversity of supply.

Section 2313 requires Transmission Organizations to submit a report to FERC 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.

Section 2314. Technology demonstration on the distribution system.

Section 2314 requires the Secretary of Energy to establish a grant program to carry out eligible projects related to the modernization of the electric grid, including the application of technologies to improve observability, advanced controls, and prediction of system performance on the distribution system.

TITLE III--SUPPLY

SUBTITLE A--RENEWABLES

PART I—HYDROELECTRICITY

Section 3001. Federal Power Act amendments.

Section 3001 designates FERC as the lead agency to set a schedule and coordinate all needed authorizations in order to address hydropower permitting backlogs; authorizes the Director of the OMB to resolve any interagency disputes to ensure timely agency participation and decision-making; requires the Under Secretary or the U.S. Forest Service (USFS) Chief to sign off on the U.S. Department of Agriculture's (USDA) mandatory section 4(e) requirements; authorizes both direct funding by a license applicant to the resource agencies and third party contractor funding on a voluntary basis; adds protections for private property rights; makes improvements to the

trial-type hearing process; and directs FERC to maintain an official consolidated record of a licensing proceeding.

Section 3002. Evaluation of expedited licensing for qualified project upgrades.

Section 3002 directs FERC to evaluate implementing more expeditious consideration of qualified project upgrades for an existing license and directs FERC to update its categorical exclusions.

Section 3003. Regulations to establish a 2-year process for certain nonpowered dams and closed-loop pumped storage projects.

Section 3003 directs FERC to issue revised regulations to establish a two-year licensing process for non-powered dams (NPD) and closed-loop pumped storage projects.

Section 3004. Regionwide pilot program.

Section 3004 establishes a voluntary pilot program for region-wide relicensing that may be utilized by a single licensee or multiple licensees.

Section 3005. Pumped storage hydropower.

Section 3005 directs FERC to conduct a study on the barriers to the development and proper compensation of pumped storage hydro projects and provide recommendations to address such barriers. Includes a Sense of Congress that FERC should issue a license for pumped storage projects within one year after the application is deemed complete.

Section 3006. Annual reports.

Section 3006 requires FERC and the federal resource agencies to report to Congress, on an annual basis, on hydropower licensing activities.

Section 3007. Synchronization of hydroelectric licensing processes of the Bureau of Reclamation and the Federal Energy Regulatory Commission.

Section 3007 directs FERC and Reclamation to enter into a MOU to synchronize the Bureau's lease of power and privilege process and the Commission's hydro licensing requirements.

Section 3008. Federal Energy Regulatory Commission projects.

Section 3008 extends hydropower licenses for six projects in the states of Montana, Virginia, West Virginia, North Carolina, and New York; authorizes the continuation of a stay on a license for a project in Alaska; and authorizes the expansion of an existing project in Alaska.

Section 3009. Study of surrender or transfer of licenses for nonpowered sites.

Section 3009 directs FERC to conduct a study on the surrender or transfer of licenses for nonpowered sites.

Section 3010. Hydroelectric production incentives and efficiency improvements.

Section 3010 extends the incentives for hydropower production and efficiency improvements for 10 years.

PART II--GEOTHERMAL

Section 3011. Geothermal Energy.

Section 3011(a) provides a Sense of Congress that the Secretary of Interior should ‘significantly increase’ geothermal production on federal lands and that the U.S. Geological Survey (USGS) should identify sites capable of producing 50,000 megawatts of geothermal power.

Subsection (b) amends section 4(b) of the Geothermal Steam Act (GSA) of 1970 to allow geothermal development by co-production of electricity from oil and gas leases on federal lands using geothermal technologies. Subsection (c) amends section 4(b) of GSA 1970 to provide 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. Subsection (d) requires the Secretary of Energy to report to Congress within three years of enactment of this Act on the progress made by research into geothermal technologies and requires an additional report every five years thereafter.

Subsection (e) reauthorizes the Advanced Geothermal Energy and Research and Development Act of 2007 (section 623, 42 U.S.C. 17202) through 2022. Subsection (f) authorizes funding to carry out the provisions in this section annually through 2022.

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 30 limits when the exclusion can be in place by acreage and environmental impacts; 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 requirements.

PART III--MARINE HYDROKINETIC

Section 3021. Definition of marine and hydrokinetic renewable energy.

Section 3021 amends section 632 of EISA 2007 to revise the definition of marine hydrokinetic energy, broadening it beyond only electrical energy.

Section 3022. Marine and Hydrokinetic Renewable Energy Research and Development.

Section 3022 amends both EPACT 2005 and EISA 2007 to revise DOE’s authorizations for research, development, and demonstration to accelerate the introduction of marine and hydrokinetic renewable energy production, focusing on research most likely to lead to commercial utilization. It allows research and development to cover current, tidal, wave, and

thermal technologies; defines allowable research areas; coordinates research; allows for support of in-water demonstrations of technologies; requires coordination with the Secretary of Commerce and the U.S. Coast Guard to understand the potential environmental impacts of such research projects; and, authorizes partnerships with international entities, research centers, and companies to conduct the research.

Section 3023. National Marine Renewable Energy Research, Development and Demonstration Centers.

Section 3023 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 3024. Authorization of appropriations.

Section 3024 amends EISA 2007 to reauthorize funding for marine hydrokinetic research through 2022.

PART IV—THERMAL ENERGY

Section 3031. Modifying the definition of renewable energy to include thermal energy.

Section 3031 amends 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 prevents double counting of avoided energy by use of waste heat for benefit provisions of the Federal purchase requirement.

SUBTITLE B--OIL AND GAS

Section 3101. Methane hydrate research and development.

Section 3101 reauthorizes the Methane Hydrate Research and Development Act of 2000 through 2022.

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.

Section 3103 amends the Natural Gas Act to specify that each Federal and State agency considering an aspect of the Federal authorization shall make a final decision within 90 days after notice is made of the availability of the final environmental impact statement or a finding of no significant impact for the project is publicly available or within 90 days of a final decision

that the application is categorically excluded under NEPA. To the maximum extent authorized by law, agencies shall give deference to the scope of environmental review that the Commission determines to be appropriate and that agencies shall conduct concurrent environmental reviews. Section 3103 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 the situation. A federal or State department or agency considering an aspect of an application for Federal authorization that requires the application to submit environmental data shall consider any such data submitted by the applicant gathered by geomatic techniques. An agency may condition an approval subject to subsequent onsite inspection to verify the geomatic data submitted. Any geomatic data shall be gathered in compliance with all applicable laws and regulations.

Section 3104. Department of Interior pilot program.

Section 3104 requires the Bureau of Land Management (BLM) to establish a single-state, three-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 of enactment of this Act.

Section 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.

Section 3106. Ethane storage study.

Section 3106 requires the Secretaries of Energy and Commerce to conduct a study on the feasibility of establishing an ethane storage and distribution hub at the Marcellus, Utica, and Rogersville shale plays in the United States. The results of the study must be submitted and released within two years of enactment of this Act to the appropriate committees.

Section 3107. Report on incorporating Internet-based lease sales.

Section 3107 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.

SUBTITLE C--HELIUM

Section 3201. Rights to helium.

Section 3201(b) requires the expedited completion of environmental reviews for helium-related projects. Subsection (c) amends the Mineral Leasing Act to repeal the Federal government's reservation of the first right to helium located on leased lands. Subsection (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. Subsection (c) requires the development of a performance metric to evaluate progress made in improving permitting efficiency. Subsection (f) requires a report from the Small Business Administration (SBA) on regulations affecting the critical minerals industry. Subsection (g) directs OMB to include critical mineral manufacturing on the Federal Infrastructure Projects Permitting Dashboard.

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 Energy Information Administration (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—FOSSIL ENERGY

Section 3401. Fossil energy.

Section 3401 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 3402. Establishment of coal technology program.

Section 3402 establishes a new coal technology program at DOE, replacing the existing Coal and Related Technologies program, and authorizes funding for the new program. The purpose of the program is to promote development of technologies that improve the efficiency, effectiveness, cost, and environmental performance of coal use and will include a research and development program, along with large-scale pilot projects and demonstration projects.

Section 3403. Report on carbon dioxide capture contracting authority.

Section 3403 requires the Secretary of Energy to submit a report to Congress analyzing the costs and benefits of contracts with the Federal government to provide support for carbon capture from electricity generation.

SUBTITLE F—NUCLEAR

Section 3501. Nuclear energy innovation capabilities

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; requires the Secretary to determine the mission need of a versatile reactor-based fast neutron research machine that is flexible to accommodate a wide variety of research needs; authorizes a program of high-performance computation, including modeling and simulation techniques that support the development of new reactor technologies; authorizes 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; and requires the Nuclear Regulatory Commission to submit a plan to the relevant Committees of Congress for developing a framework for licensing an advanced nuclear reactor, including the possible development of a new advanced nuclear reactor licensing framework.

Section 3502. Next generation nuclear plant project

Section 3502 removes a provision requiring that the prototype nuclear reactor be sited at the Idaho National Lab.

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.

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. Subsection (b) amends section 1702 of EPACT 2005 to clarify and reaffirm the current prohibition on subordination of debt. Subsection (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. Subsection (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; 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. Fees for loans.

Section 4003 provides the DOE, consistent with its authority under the section 1703 loan guarantee program, authority to charge fees for the Advanced Technology Vehicles Manufacturing program, including the ability to charge closing fees.

Section 4004. Department of Energy Indian energy education planning and management assistance program.

Section 4004 reauthorizes the Indian Energy Education Planning and Management Assistance Program first created by the 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 to 2027.

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 and co-chair an Interagency Coordination Committee, 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 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, water districts, Indian tribes, and Alaska Native villages. Grants may be awarded to eligible entities to demonstrate technology-based solutions that improve energy and water efficiency, conservation and innovation. The section also details the project application and selection process that would be used by the pilot program.

SUBTITLE C—INNOVATION AND OFFICE OF SCIENCE

PART I-INNOVATION

Section 4201. Inclusion of early stage technology demonstration in authorized technology transfer activities.

Section 4201 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 4202. Sense of Congress on accelerating energy innovation.

Section 4202 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.

Section 4203. Restoration of laboratory directed research and development program.

Section 4203 requires that overhead charges from DOE cannot be charged to the Lab Directed Research and Development (LDRD) portion of funds provided to DOE and National Nuclear Security Administration National Laboratories.

Section 4204. Research grants database.

Section 4204 requires the Secretary to establish and maintain a public database for research and development transactions administered by the Department.

Section 4205. Technology transfer and transitions assessment.

Section 4205 requires the Secretary to transmit a report to the appropriate committees of Congress that includes recommended changes to the policy of the Department and legislative changes to improve the ability of the Department to successfully transfer technologies to the private sector.

Section 4206. Agreements for commercializing technology pilot program.

Section 4206 authorizes a pilot program for National Laboratories to enter into Agreements for Commercializing Technology in an effort to promote the technology transfer of innovative energy technologies. This section includes a reporting requirement on the effectiveness of the pilot program and a reporting requirement to improve transparency in the case of any non-federal entity using funds derived from a federal contract or award to carry out an agreement under this program.

Section 4207. Short-term cost-share pilot program.

Section 4207 authorizes a two-year pilot program that will exempt institutions of higher education, non-profit institutions and small businesses from cost share requirements. This section further requires the Department to perform a two-year look back report on the use of cost-share waiver authority and an annual report on the use of cost-share waivers during the period of the pilot program.

Section 4208. Quadrennial energy review.

Section 4208 amends section 801 of the DOE Organization Act to require the President to establish a Quadrennial Energy Review Task Force comprised of high-level agency officials. This section requires this task force to conduct a DOE-supported review of national energy policy every four years.

Section 4209. Crosscutting research and development.

Section 4209 requires the Secretary to identify strategic opportunities for collaborative research, development, demonstration, and commercial application of innovative science to better coordinate programs and leverage resources.

Section 4210. Strategic research and development.

Section 4210 requires the Secretary to conduct a review of all of the science and technology activities at the Department and develop a coordination analysis and plan.

Section 4211. Strategy for facilities and infrastructure.

Section 4211 replaces the section heading of section 993 of EPACT 2005 and requires the Secretary to submit a report detailing the strategy for facilities and infrastructure in 2018.

Section 4212. Energy Innovation Hubs.

Section 4212 requires the Secretary to carry out the Energy Innovation Hub program.

Section 4213. Advanced Research Projects Agency-Energy.

Section 4213 reauthorizes the Advanced Research Projects Agency-Energy (ARPA-E) and provides additional protection for program participants' proprietary information.

PART II-OFFICE OF SCIENCE

Section 4221. Mission of the Office of Science.

Section 4221 establishes a mission for the Office of Science.

Section 4222. Basic energy sciences.

Section 4222 requires the Secretary to carry out a program to provide awards for Energy Frontier Research Centers; requires the Director of the Office of Science to carry out a program for basic science user facilities; and requires the Director to carry out research and development on advanced accelerator and storage ring technologies.

Section 4223. Advanced scientific computing research.

Section 4223 requires the Secretary to conduct a research program; to establish two or more National Lab partnerships with industry and institutes of higher education; to develop two or more exascale computing systems at DOE; requires the Director of the Office of Science to support research in high-performance computing and networking relevant to energy applications; and, to conduct activities to develop, test, and support applied mathematics and software development for high-end computing systems.

Section 4224. High-energy physics.

Section 4224 encourages international collaboration and requires the Director to carry out research on the neutrino and the nature of dark energy and dark matter.

Section 4225. Biological and environmental research.

Section 4225 requires the Director of the Office of Science to carry out research and development activities in fundamental, structural, computational and systems biology; limits use of research funds for duplicative climate-science work; and requires the Director to carry out a research program on low-dose radiation.

Section 4226. Fusion energy.

Section 4226 requires the Director of the Office of Science to coordinate with the Assistant Secretary for Nuclear Energy to carry out research and development activities related to fusion power systems and an assessment of facilities required for fusion testing; requires the Director to support research and development activities at institutions of higher education, National Laboratories, and private facilities for a portfolio of alternative and enabling fusion energy concepts; and requires the Secretary to submit a report on fusion energy activities.

Section 4227. Nuclear physics.

Section 4227 permits the Director of the Office of Science to carry out a program for the development and production of isotopes for research applications.

Section 4228. Science laboratories infrastructure program.

Section 4228 requires the Director of the Office of Science to carry out a science laboratory infrastructure program to improve the safety, efficiency, and mission readiness at Office of Science laboratories.

Section 4229. Basic research.

Section 4229 reauthorizes the Office of Science.

SUBTITLE D--MANAGEMENT

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

Section 4301 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 4302. Under Secretary for Science and Energy.

Section 4302 makes conforming amendments to the DOE Organization Act and other relevant acts to reflect the current title for this position.

Section 4303. Energy emergency response efforts of the Department.

Section 4303 directs DOE to facilitate the development and implementation of a strategy for responding to energy infrastructure and supply emergencies.

Section 4304. Program to reduce the potential impacts of solar energy facilities on certain species.

Section 4304 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.

SUBTITLE E--MARKETS

Section 4401. Enhanced information on critical energy supplies.

Section 4401 amends section 205 of the DOE Organization Act to require the EIA to collect data on physical oil inventories and other physical oil assets owned by the 50 largest traders of oil contracts. The new section 205(p) establishes a Financial Market Analysis Office within EIA.

Section 4402. Working Group on Energy Markets.

Section 4402 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 4403. Study of regulatory framework for energy markets.

Section 4403 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 F--AFFORDABILITY

Section 4501. E-prize competition pilot program.

Section 4501 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.

Section 4502. Carbon dioxide capture technology prize.

Section 4502 expands the DOE's authority for awarding technology prizes to include the separation of carbon dioxide from dilute sources; authorizes \$50 million for this award program; requires a report within one year of enactment of this Act on the adequacy of the authorization; and, requires annual reports on award recipients.

SUBTITLE G--CODE MAINTENANCE

Section 4601. Repeal of off-highway motor vehicles study.

Section 4601 repeals an outdated study.

Section 4602. Repeal of methanol study.

Section 4602 repeals an outdated study.

Section 4603. Repeal of authorization of appropriations provision.

Section 4603 repeals expired authorizations.

Section 4604. Repeal of residential energy efficiency standards study.

Section 4604 repeals an outdated study.

Section 4605. Repeal of weatherization study.

Section 4605 repeals an outdated study.

Section 4606. Repeal of report to Congress.

Section 4606 repeals an outdated report.

Section 4607. Repeal of report by General Services Administration.

Section 4607 repeals an outdated report.

Section 4608. Repeal of intergovernmental energy management planning and coordination workshops.

Section 4608 repeals an outdated requirement for intergovernmental workshops.

Section 4609. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.

Section 4609 repeals an outdated Inspector General audit and an outdated report.

Section 4610. Repeal of procurement and identification of energy efficient products programs.

Section 4610 repeals an outdated program at DOE.

Section 4611. Repeal of national action plan for demand response.

Section 4611 repeals an outdated report and an expired authorization.

Section 4612. Repeal of national coal policy study.

Section 4612 repeals an outdated study.

Section 4613. Repeal of study on compliance problem of small electric utility systems.

Section 4613 repeals an outdated study.

Section 4614. Repeal of study of socioeconomic impacts of increased coal production and other energy development.

Section 4614 repeals an outdated study.

Section 4615. Repeal of study of the use of petroleum and natural gas in combustors.

Section 4615 repeals an outdated study.

Section 4616. Repeal of submission of reports.

Section 4616 repeals outdated reporting requirements.

Section 4617. Repeal of electric utility conservation plan.

Section 4617 repeals an outdated requirement for electric utilities to submit a plan to Congress.

Section 4618. Emergency Energy Conservation repeals.

Section 4618 repeals outdated findings and requirements for minimum purchases of gasoline and associated fines in the event of a violation.

Section 4619. Energy Security Act repeals.

Section 4619 repeals outdated provisions related to biomass and the use of gasohol in federal motor vehicles.

Section 4620. Nuclear Safety Research, Development, and Demonstration Act of 1980 repeal.

Section 4620 repeals outdated studies.

Section 4621. Elimination and consolidation of certain America COMPETES programs.

Section 4621 repeals unused or outdated America COMPETES program authorities and consolidates other duplicative authorities.

Section 4622. Repeal of the state utility regulatory assistance.

Section 4622 repeals an outdated grant program.

Section 4623. Repeal of survey of energy saving potential.

Section 4623 repeals outdated reports to the President and Congress.

Section 4624. Repeal of photovoltaic energy program.

Section 4624 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 4625. Repeal of energy auditor training and certification.

Section 4625 repeals an outdated grant program for training and certification of individuals to conduct energy audits.

Section 4626. Repeal of authorization of appropriations.

Section 4626 repeals an expired authorization of appropriations.

Section 4627. Repeal of Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.

Section 4627 repeals an outdated research program.

Section 4628. Repeal of hydrogen research, development, and demonstration program.

Section 4628 repeals an outdated research program.

Section 4629. Repeal of study on alternative fuel use in nonroad vehicles and engines.

Section 4629 repeals an outdated study.

Section 4630. Repeal of low interest loan program for small business fleet purchases.

Section 4630 repeals an outdated low interest loan program.

Section 4631. Repeal of technical and policy analysis for replacement fuel demand and supply information.

Section 4631 repeals an outdated requirement for technical and policy analysis.

Section 4632. Repeal of 1992 Report on Climate Change.

Section 4632 repeals an outdated report.

Section 4633. Repeal of Director of Climate Protector establishment.

Section 4633 repeals an outdated position.

Section 4634. Repeal of 1994 Report on Global Climate Change Emissions.

Section 4634 repeals an outdated report.

Section 4635. Repeal of telecommuting study.

Section 4635 repeals an outdated study.

Section 4636. Repeal of advanced buildings for 2005 program.

Section 4636 repeals an outdated advanced buildings program.

Section 4637. Repeal of Energy Research, Development, Demonstration, and Commercial Application Advisory Board.

Section 4637 repeals an outdated advisory board.

Section 4638. Repeal of study on use of energy futures for fuel purchase.

Section 4638 repeals an outdated study.

Section 4639. Repeal of energy subsidy study.

Section 4639 repeals an outdated study.

Section 4640. Repeal of prior limitations on compensation of the Secretary of the Interior.

Section 4640 repeals an outdated provision.

DIVISION B-NATURAL RESOURCES

Section 5001. Definitions.

Section 5001 provides the definition for ‘Secretary’ and ‘Department’ for division B.

TITLE V--LAND AND WATER CONSERVATION FUND REAUTHORIZATION

Section 5101. National Park Service Maintenance and Revitalization Conservation Fund.

Section 5101 establishes a National Park Service (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 5102. Land and Water Conservation Fund.

Section 5102 permanently reauthorizes the Land and Water Conservation Fund. 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 lands or interests in land to acquire.

Section 5103. Historic Preservation Fund.

Section 5103 permanently reauthorizes the Historic Preservation Fund.

Section 5104. Conservation incentives landowner education program.

Section 5104 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 conservation 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—LAND CONVEYANCES AND RELATED MATTERS

SUBTITLE A-LAND CONVEYANCES

Section 6001. Arapaho National Forest boundary adjustment.

Section 6001 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.

Section 6002. Land conveyance, Elkhorn Ranch and White River National Forest, Colorado.

Section 6002 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.

Section 6003. Crags, Colorado land exchange.

Section 6003 directs the Secretary of Agriculture to enter into a land exchange with the Broadmoor Hotel, Inc., under which the 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 the 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 will become part of the Pike-San Isabel National Forest. The land exchange is expected to be completed within one year.

Section 6004. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.

Section 6004 amends the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 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 youth camp near Williams, Arizona.

Section 6005. Cooper Spur land exchange clarification amendments.

Section 6005 amends the Omnibus Public Land Management Act of 2009 (Public Law 111-11) to modify provisions relating to a land exchange between the 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 Secretary is given 12 months to complete the exchange. 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.

Section 6006. Black Hills National Cemetery boundary modification.

Section 6006 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.

Section 6007. Cow Creek Umpqua land conveyance.

Section 6007 conveys approximately 17,519 acres of public land in Oregon to the Cow Creek Umpqua Tribe to be taken into trust for the benefit of the Tribe, if certain conditions are met.

Section 6008. Oregon coastal land.

Section 6008 conveys approximately 14,742 acres of public land to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to be taken into trust for the benefit of the Tribe, if certain conditions are met.

Section 6009. Amendments to the Coquille Restoration Act.

Section 6009 amends the Coquille Restoration Act to require the Secretary of the Interior to manage the Coquille Forest in accordance with laws pertaining to the management of Indian trust land.

Section 6010. Conveyance of Federal land within the Swan Lake hydroelectric project boundary.

Section 6010 directs the Secretaries of the Interior and Agriculture to survey approximately 25 acres of land around Swan Lake, north of Ketchikan, Alaska, and to issue a patent for that land to the State of Alaska, in accordance with the Alaska Statehood Act and section 24 of the Federal Power Act.

Section 6011. Pascua Yaqui Tribe land conveyance.

Section 6011 directs the Secretary to convey approximately 40 acres of land to the Tucson Unified School District No. 1 in exchange for approximately 40 acres of District land to be taken into trust for the Pascua Yaqui Tribe of Arizona. The District is required to pay to the Secretary the amount of the appraised value of the federal parcels. Subsection (d) sets forth restrictions on gaming and subsection (e) provides terms for water rights, if there are any on the lands taken into trust.

SUBTITLE B-LAND MANAGEMENT

Section 6101. Cadastre of Federal real property.

Section 6101(a) authorizes the Secretary of the Interior to establish a ‘cadastre,’ or a computerized inventory of buildings and other real property, which will include associated infrastructure such as roads and utility systems and pipelines, collected from surveys, maps, charts, and inventories that will be stored as digital data. Subsection (b) authorizes the Secretary to enter into discussions with other federal agencies to allow them to utilize the data inventory system to use the ‘geospatially enabled’ system to track their real property holdings and to enter into discussions on development of cost-sharing agreements so that states, local governments, and Indian tribes may also utilize the inventory system. The section outlines the coordination involved in collecting and creating the geographical information system (GIS) data that will contain the inventories. Subsection (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 or facilities that would impair or jeopardize national security or homeland defense can be withheld from public disclosure. Subsection (d) clarifies that nothing in the provision requires any new appraisals or assessments of federal assets for any purpose.

Section 6102. Additional authority for sale or exchange of small parcels of National Forest System land.

Section 6102 amends section 3 of the Small Tracts Act (Public Law 97-465) to increase the maximum land value conveyed under the Act from \$150,000 to \$500,000; expands eligible land parcels to all federal lands that have lost their National Forest Character; and, no longer restricts eligible parcels to federal ownership under mining laws.

Section 6103. Bolts ditch access.

Section 6103(a) directs the Secretary of Agriculture to permit by special use authorization nonmotorized access and use of the Bolts Ditch Headgate and the Bolts Ditch within the Holy Cross Wilderness, Colorado, for the purposes of the diversion of water and use, maintenance, and repair of such ditch and headgate by the Town of Minturn, Colorado.

Section 6104. Designation of Alex Diekmann Peak, Montana.

Section 6104 names a previously unnamed peak in the Lee Metcalf Wilderness, Montana as “Alex Diekmann Peak.”

Section 6105. Methow Valley, Washington, Federal land withdrawal.

Section 6105 withdraws approximately 340,079 acres of federal land in the Okanogan-Wenatchee National Forest from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral leasing and geothermal leasing laws. Any land acquired within the area depicted on the associated Map as “Proposed Withdrawal” shall, on acquisition, be immediately withdrawn as described.

Section 6106. Frank and Jeanne Moore Wild Steelhead Special Management Area, Oregon.

Section 6106 designates approximately 99,653 acres of Forest Service land in the State of Oregon as the “Frank and Jeanne Moore Wild Steelhead Special Management Area.”

Section 6107. Expedited access to certain Federal land.

Section 6107 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.

Section 6108. Maintenance or replacement of facilities and structures at Smith Gulch.

Section 6108 authorizes the Secretary of Agriculture to maintain or replace facilities or structures for commercial recreation at Smith Gulch within the main Salmon Wild River corridor in Idaho. The section directs the improvements to be undertaken in accordance with the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act of 1980, and can include upgrades to hydroelectric generators and transmission facilities, water pumps for fire suppression, electrical lighting, solar energy systems, and batteries.

Section 6109. Cerro del Yuta and Río San Antonio Wilderness Areas.

Section 6109 designates approximately 13,420 acres of BLM land in New Mexico within the Río Grande del Norte National Monument as the Cerro del Yuta Wilderness and approximately 8,120 acres of land as the Río 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; 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 FLPMA.

Section 6110. Additions to Cherokee National Forest Wilderness Areas.

Section 6110 designates approximately 19,500 acres of land in the Cherokee National Forest, in seven separate parcels, as wilderness and adds them to the National Wilderness Preservation System.

TITLE VII-NATIONAL PARK SYSTEM MANAGEMENT, STUDIES, AND RELATED MATTERS

SUBTITLE A-SPECIAL RESOURCE STUDIES

Section 7001. Special resource study of James K. Polk presidential home.

Section 7001 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.

Section 7002. Special resource study of Fort Ontario.

Section 7002 directs the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York for the purposes of evaluating and determining the suitability and feasibility of designating the area as a unit of 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.

SUBTITLE B-NATIONAL PARK SERVICE MANAGEMENT AND RELATED MATTERS

Section 7101. Ocmulgee Mounds National Historical Park Boundary revision.

Section 7101 redesignates the Ocmulgee National Monument as the Ocmulgee National Historical Park; authorizes the Secretary to acquire land within the park boundary by donation, purchase from a willing seller or exchange; modifies the boundaries of the park to include an additional 2,100 acres of land; and requires the Secretary to conduct a special resource study of the Ocmulgee River Corridor.

Section 7102. John Muir National Historic Site land acquisition.

Section 7102 allows the Secretary to acquire by donation approximately 44 acres of land identified on the map and add the land to the John Muir National Historic Site.

Section 7103. Amendment to the Coltsville National Historical Park donation site.

Section 7103 amends Public Law 113-291(16 U.S.C. 410qqq(b)(2)(B) to select another location on the former Colt complex for the Coltsville National Historical Park visitor center.

Section 7104. Kennesaw Mountain National Battlefield Park boundary adjustment; land acquisition; administration.

Section 7104 adjusts the boundary of the Kennesaw Mountain National Battlefield Park to allow for the acquisition by donation, purchase from willing sellers, or exchange of approximately eight acres of land known as "Wallis House and Harriston Hill."

Section 7105. Designation of existing wilderness area in Lake Clark National Park as the Jay S. Hammond Wilderness.

Section 7105 designates the existing 2.6 million acre wilderness area in Lake Clark National Park and Preserve as the “Jay S. Hammond Wilderness.”

Section 7106. Sky Point mountain designation.

Section 7106 names a mountain in the John Muir Wilderness as "Sky Point."

Section 7107. Eligibility of Hispanic-serving institutions and Asian American and Native American Pacific Islander-serving institutions for assistance for preservation, education, and training programs.

Section 7107 allows Hispanic-serving institutions and Asian American and Native American Pacific Islander-serving institutions of higher education to be eligible for technical and financial assistance from the Department of the Interior to establish preservation training and degree programs.

Section 7108. Martin Luther King Jr. National Historical Park.

Section 7108 designates the Martin Luther King, Jr. National Historic Site as the Martin Luther King, Jr. National Historic Park, and expands the boundary of the park in the State of Georgia.

Section 7109. Vehicular access and fees at Delaware Water Gap National Recreation Area.

Section 7109 permits the use of Highway 209, a federally owned road within the boundaries of the Delaware Water Gap National Recreation Area, by certain commercial vehicles for businesses physically located in towns adjacent to Highway 209 for a period of five years, sets up a fee structure, and exempts certain vehicles from the fee including local school buses and first responders.

Section 7110. Denali National Park and Preserve natural gas pipeline.

Section 7110 repeals a provision in the Denali National Park Improvement Act (Denali Act) to provide flexibility to shift the route further away from the Highway to a point where the project proponents believe such a crossing would be safer. Subsection (c) amends the Denali Act to exempt such pipelines from title XI of Alaska National Interest Lands Conservation Act, but does not exempt the pipeline from environmental compliance analysis under NEPA.

Section 7111. Wild horses in and around the Currituck National Wildlife Refuge.

Section 7111 provides that the Secretary, in consultation with the North Carolina Department of Environment and Natural Resources (NCDENR), the 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 and regulations applicable to the Refuge and Cape Lookout Seashore, the December 2014 Wild Horse Management Agreement, 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's expense.

Section 7112. Lower Farmington and Salmon Brook recreational rivers.

Section 7112 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.

Section 7113. East Rosebud Wild and Scenic Rivers designation.

Section 7113 amends section 3(a) of the Wild and Scenic Rivers Act by designating of a section of East Rosebud Creek in the State of Montana as a component of the National Wild and Scenic Rivers System. The newly designated area totals 20 miles in two sections: a 13 mile segment exclusively on public land within the Custer National Forest; and a 7-mile segment exclusively on public land within the Custer National, to be administered by the Secretary of Agriculture as a recreational river.

Section 7114. Arlington Ridge Visitor Services Facility.

Section 7114 authorizes the 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.

Section 7115. Rockingham County, Virginia, removal of use restriction.

Section 7115 releases the deed restrictions on a one-acre portion of property in Rockingham County, Virginia, which is 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 DOI 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 NPS. 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. Public Law 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 7114 would amend federal law to remove that use restriction.

Section 7116. Interagency transfer of land along George Washington Memorial Parkway.

Section 7116 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 NPS and the Federal Highway Administration.

Section 7117. Shiloh National Military Park boundary modification.

Section 7117 modifies the boundary of Shiloh National Military Park in Tennessee and Mississippi to add the Fallen Timbers Battlefield, the Russell House Battlefield, and the Davis Bridge Battlefield; and to add Parker's Crossroads Battlefield as an affiliated area of the National Park System. The section authorizes the Secretary of the Interior to enter into cooperative agreements for management of the area and directs the Secretary to develop a general management plan for the area and submit it to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than three years after funds are available to carry out the section.

Section 7118. Historically Black Colleges and Universities Historic Preservation Program reauthorized.

Section 7118 reauthorizes the Historically Black Colleges and Universities Historic Preservation Program for fiscal years 2018 through 2024.

Section 7119. Fort Frederica National Monument boundary modification.

Section 7119 expands the boundary of Fort Frederica National Monument in Georgia from 250 acres to 305 acres and authorizes the Secretary of the Interior to acquire land and interests as described in the map entitled "Fort Frederica National Monument Proposed Boundary Expansion", numbered 369/132,469, and dated April 2016 by donation or purchase from willing sellers.

Section 7120. Redesignation of Robert Emmet Park.

Section 7120 redesignates a NPS parcel known as Reservation 302 in the District of Columbia as "Robert Emmet Park."

Section 7121. Designation of the National Memorial to Fallen Educators.

Section 7121 designates an existing memorial located at the National Teachers Hall of Fame in Emporia, Kansas as the "National Memorial to Fallen Educators." The section states that the national memorial designated by this section is not a unit of the National Park System and shall not require or permit the use of Federal funds.

Section 7122. African American Civil Rights Network.

Section 7122 establishes a program to be known as the 'African American Civil Rights Network' to serve the purpose of educating the public on the African American civil rights movement;

conducting review studies and reports; entering into cooperative agreements for management of the Network; and, to create an official symbol for the Network. The section sets forth elements that shall be encompassed by the Network and includes all units and programs of the National Park Service that relate to the African American civil rights movement during the period from 1939 through 1968, as well as other Federal, State, local, and privately owned properties that relate to the African American civil rights movement.

Section 7123. 400 years of African-American History Commission.

Section 7123 establishes a “400 Years of African-American History Commission” to recognize and highlight the resilience and contributions of African-Americans since 1619 and to educate the public about the contributions of African-Americans to the United States. The section establishes the Commission’s composition, appointment of term lengths, filling vacancies, duties, frequency of meetings, powers, personnel and administrative matters, compensation, and reporting requirements to Congress. The section provides a sunset date for the Commission of July 1, 2020.

Section 7124. Modification of Voyageurs National Park boundary.

Section 7124 modifies the boundary of Voyageurs National Park in the State of Minnesota; provides stipulations for the transfer of any BLM managed land within the boundaries to NPS administration; and, allows the BLM to acquire land owned by the State by donation or exchange.

Section 7125. North Country National Scenic Trail route adjustment.

Section 7125 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.

Section 7126. National emergency medical services commemorative work.

Section 7126 authorizes the National Emergency Medical Services Memorial Foundation (Foundation), in accordance with the Commemorative Works Act (CWA), to establish a commemorative work on federal land in the District of Columbia to commemorate first responders who provide emergency medical services. The section deems the Foundation solely responsible for acceptance of donations and payment of expenses of the commemorative work and prohibits the use of Federal funds toward the commemorative work under this section.

Section 7127. National heritage area designations.

Section 7127 establishes five new national heritage areas: Appalachian Forest National Heritage Area in the States of West Virginia and Maryland; Maritime Washington National Heritage Area in the State of Washington; Mountains to Sound Greenway National Heritage Area in the State of Washington; Sacramento-San Joaquin Delta National Heritage Area in the State of California; and the Susquehanna National Heritage Area in Lancaster and York Counties, Pennsylvania. The section designates authorities of the coordinating entities and their duties. The section requires a management plan to be submitted to the Secretary of the Interior within three years of enactment of this Act; states the requirements and content of the management plan; and, requires an

evaluation report within three years of enactment with recommendations for the future role of the National Park Service, if any, to be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

Section 7128. Adjustment of boundaries of Lincoln National Heritage Area.

Section 7128 adjusts the boundaries of the Lincoln National Heritage Area to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County in Central Illinois.

Section 7129. Finger Lakes national heritage area study.

Section 7129 directs the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating the Finger Lakes National Heritage Study Area as the “Finger Lakes National Heritage Area”. The section sets forth requirements for the study including a deadline within three years after funds are available to carry out the study, and the requirement to submit the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

Section 7130. Modification of the Second Division Memorial.

Section 7130 authorizes the Second Indianhead Division Association, Inc., Scholarship and Memorials Foundation to place additional commemorative elements on the existing Second Division Memorial located in President’s Park, between 17th Street Northwest and Constitution Avenue in the District of Columbia, to further honor the members of the Second Infantry Division. The section requires any additional work on the memorial to be in accordance with the CWA. The section prohibits use of Federal funds for activities authorized under this section.

Section 7131. Florissant Fossil Beds National Monument boundary adjustment.

Section 7131 adjusts the boundary of the Florissant Fossil Beds National Monument in Colorado from 6,000 to 6,300 acres to allow the NPS to accept a 280-acre land donation from a private landowner to provide critical access to the park’s western boundary for wildland fire protection.

Section 7132. Fort Scott National Historic Site boundary modification.

Section 7132 adjusts the boundaries of the Fort Scott National Historic Site to include four individual tracts--three to be acquired by purchase from willing sellers and one through donation to the NPS, as depicted on the map “Fort Scott National Historic Site Proposed Boundary Modification”, numbered 471/80,057, and dated February 2016.

Section 7133. Gulf Islands National Seashore land exchange.

Section 7133 authorizes the NPS to enter into an equal value land exchange with the Veterans of Foreign Wars Post 5699 of land located within the Gulf Islands National Seashore in Jackson County, Mississippi.

Section 7134. Ste. Genevieve National Historical Park.

Section 7134 establishes a new Ste. Genevieve National Historic Site in the State of Missouri to protect and interpret themes of French settlement on the frontier; provides the conditions for establishment, including the requirement for sufficient land acquisition to constitute a manageable unit, and the methods of acquisition; requires a management plan to be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives within three years after funds are available to prepare the plan; authorizes the Secretary to enter into Cooperative Agreements to provide visitor engagement and interpretation of the site; and, outlines cost sharing requirements.

Section 7135. Bows in parks.

Section 7135 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 provided that certain requirements are met.

Section 7136. Wildlife management in parks.

Section 7136 provides, that if the Secretary 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.

TITLE VIII—SPORTSMEN’S ACCESS AND RELATED MATTERS

SUBTITLE A-NATIONAL POLICY

Section 8001. Congressional declaration of national policy.

Section 8001 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.

SUBTITLE B—SPORTSMEN’S ACCESS TO FEDERAL LANDS

Section 8101. Definitions.

Section 8101 provides definitions for subtitle B.

Section 8102. Federal land open to hunting, fishing, and recreational shooting.

Section 8102 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 8103.

Section 8103. Closure of Federal land to hunting, fishing, and recreational shooting.

Section 8103 provides that the Secretaries of Agriculture and Interior 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.

Section 8104. Shooting ranges.

Section 8104 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.

Section 8105. Federal action transparency.

Section 8105 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 of the U.S. Code. 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 of the U.S. Code.

Section 8106. Identifying opportunities for recreation, hunting, and fishing on Federal land.

Section 8106 directs the Secretaries of the Interior and Agriculture 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.

Section 8107. Firearms at water resource development projects.

Section 8107 states that the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm in any water resources development project that is open to the public, provided that the individual is not otherwise prohibited from possessing the firearm and that it is in compliance with the laws of the State in which the project is located.

SUBTITLE C—FEDERAL LAND TRANSACTION FACILITATION ACT

Section 8201. Amendments to the Federal Land Transaction Facilitation Act.

Section 8201 permanently reauthorizes the Federal Land Transaction Facilitation Act (FLTFA). 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 2018 through 2027, to offset budget scoring issues.

SUBTITLE D—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

Section 8301. Commercial filming.

Section 8301 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 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.

SUBTITLE E—WILDLIFE AND HABITAT CONSERVATION

Section 8401. Amendments to Pittman-Robertson Wildlife Restoration Act.

Section 8401 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.

Section 8402. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

Section 8402 establishes the Wildlife and Hunting Heritage Conservation Council Advisory Committee; provides the duties of the Committee, which include advising the Secretaries on the implementation of the “Recreational Hunting and Wildlife Recovery Conservation Plan-A Ten-Year Plan for Implementation,” increasing awareness and fostering development of wildlife habitat and conservation programs among sportsmen and sportswomen, and providing appropriate access to Federal land for recreational shooting and hunting; outlines the membership of the Committee, including term limits and that the Secretaries will jointly appoint a Chairperson; requires annual reports to the designated Committees; and exempts the Committee from the Federal Advisory Committee Act.

Section 8403. North American Wetlands Conservation Act.

Section 8403 extends the authorization of appropriations for the North American Wetlands Conservation Act for \$50 million per year for fiscal years 2018 through 2023, 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 in section 5104(d) of this Act.

Section 8404. Fishing tackle.

Section 8404 prohibits the Administrator of the EPA from regulating the use of fishing tackle based on lead content (under the Toxic Substances Control Act) through September 30, 2028.

SUBTITLE F--MISCELLANEOUS

Section 8501. Respect for treaties and rights.

Section 8501 clarifies that nothing in this title effects or modifies any treaty or other right of any federally recognized Indian tribe or modifies any provision of law relating to migratory birds or to endangered or threatened species.

Section 8502. No priority.

Section 8502 clarifies that nothing in this title provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

Section 8503. State authority for fish and wildlife.

Section 8503 clarifies that nothing in this title authorizes the Secretaries to require Federal licenses or permits to hunt and fish on Federal lands, and that the responsibility of States to manage fish and wildlife is neither enlarged nor diminished in this title.

TITLE IX—WATER INFRASTRUCTURE AND RELATED MATTERS

SUBTITLE A- FONTENELLE RESERVOIR

Section 9001. Authority to make entire active capacity of Fontenelle Reservoir available for use.

Section 9001 authorizes the Secretary of the Interior to work with the State of Wyoming through cooperative agreements to enable the use of all active storage capacity of the Fontenelle Dam and Reservoir and outlines the minimally required components of the agreements, including that the State of Wyoming shall be responsible for all funding of activities carried out under this act.

Section 9002. Savings provisions.

Section 9002 specifies that nothing in this provision modifies or affects the Boulder Canyon Project Act; the Colorado River Compact of 1922; the Boulder Canyon Project Adjustment Act; the Treaty between the U.S. and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande; the Upper Colorado River Basin Compact; the Colorado River Storage Project Act; the Colorado River Basin Project Act; or any State of Wyoming or other State water law.

SUBTITLE B-BUREAU OF RECLAMATION TRANSPARENCY

Section 9101. Definitions.

Section 9101 provides definitions for this subtitle.

Section 9102. Asset management report enhancements for reserved works.

Section 9102 directs Reclamation to provide, and update biennially, a report to Congress with: (1) an assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; (2) an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project; (3) cost estimates of the expenditures needed to address those repairs; and (4) a categorical safety rating, using the Reclamation's own existing categorical system, of the importance of addressing each item.

Section 9103. Asset management report enhancements for transferred works.

Section 9103 requires Reclamation to work with the non-Federal entities who operate transferred works to develop reporting requirements for transferred works for Asset Management Reports. This section directs Reclamation to develop and implement guidance for transferred works that is similar to the guidance developed for reserved works in section 9102(b)(3).

Section 9104. Offset.

Section 9104 provides an offset.

SUBTITLE C—YAKIMA RIVER BASIN WATER ENHANCEMENT

Section 9201. Short title.

Section 9201 sets forth the short title of this subtitle as the “Yakima River Basin Water Enhancement Project Phase III Act of 2017.”

Section 9202. Modification of terms, purposes, and definitions.

Section 9202 amends title XII of Public Law 103-434 to modify certain terms, purposes, headings, and definitions of the Yakima River Basin Water Enhancement Project. It updates and modifies Project purposes to include water management activities to further enhance 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 water transfers and leasing; to improve the hydrologic resilience of the Basin’s ecosystems, economies, and communities; and to authorize and implement the Yakima River Basin Integrates Water Resources Management Plan as Phase III of the Yakima River Basin Enhancement Project (YRBWEP).

Section 9203. Yakima River Basin Water Conservation Program.

Section 9203 amends Public Law 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.

Section 9204. Yakima Basin water projects, operations, and authorizations.

Section 9204 amends sections 1204 through 1211 of Public Law 103-434 regarding Yakima Basin water projects, operations, and authorizations. The section updates and 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 a number of other non-storage and tributary enhancements.

Section 9205. Authorization of Phase III of Yakima River Basin Water Enhancement Project.

Section 9205 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.

SUBTITLE D—KLAMATH PROJECT WATER AND POWER

Section 9301. Klamath Project.

Section 9301 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. The section also specifies that the provision does not authorize the use of federal funds for dam removal.

SUBTITLE E-EQUUS BEDS DIVISION EXTENSION

Section 9401. Equus Beds Division extension.

Section 9401 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

TITLE X-NATURAL HAZARDS

SUBTITLE A – NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM

Section 10001. Definitions.

Section 10001 provides definitions for this title.

Section 10002. National volcano early warning and monitoring system.

Section 10002 establishes the National Volcano Early Warning and Monitoring System within the USGS to monitor, warn, and protect from volcanic activity. This section provides that the purposes of the system are to organize, modernize, standardize, stabilize and unify volcano monitoring systems in the U.S., and monitor volcanoes at a level commensurate with the threat they pose. The system is to be implemented by upgrading existing networks and installing new

networks of monitors using geodetic and other components. Subsection (b) requires that the system shall include a national volcano watch office that is operational 24 hours a day, seven days a week, and provide external grants to support research into volcano monitoring science and technology. Subsection (c) requires that not later than 180-days after enactment of this Act, the Secretary submit a five-year management plan to Congress for establishing and operating the system; allows the Secretary to enter into partnerships with institutions of higher education to operate the system; requires establishment of an advisory committee to help implement the system; and, requires the system submit an annual report to Congress.

Section 10003. Funding.

Section 10003 provides an authorization of appropriations.

SUBTITLE B – NATIONAL LANDSLIDE HAZARDS REDUCTION PROGRAM

Section 10101. Definitions.

Section 10101 provides definitions for this title.

Section 10102. National landslide hazards reduction program.

Section 10102 directs the Secretary of the Interior, acting through the Director of the USGS, to establish the ‘National Landslide Hazards Reduction Program’ to identify and understand landslide hazards, reduce losses, protect communities, and help improve emergency preparedness. The section directs the Secretary in coordination with other Federal agencies to establish an Interagency Coordinating Committee on Landslide Hazards and develop a national strategy for landslide hazards reduction. To implement the program, this section also directs the Secretary, in coordination with other entities, to maintain a publically accessible landslide hazard database; to develop landslide risk reduction guidelines; to expand ‘the early warning system for flash floods and debris flow’; to establish and implement emergency response procedures; to establish an ‘Advisory Committee on Landslides Hazards’; to provide competitive grants (along with the National Science Foundation) to advance the goals of the national strategy; and to submit an annual report to Congress.

Section 10103. Ground subsidence.

Section 10103 directs the Secretary to advance the identification, mapping, research, and monitoring of subsidence through the use of existing funds and programs.

Section 10104. 3D Elevation Program.

Section 10104 establishes the ‘3D Elevation Program’ (3DEP); outlines the purposes of the program and directs the Director of the USGS to manage the program; establishes the ‘3D Elevation Federal Interagency Coordinating Committee’; establishes a subcommittee, within the National Geospatial Advisory Committee to evaluate and manage the activities of the 3DEP; and, authorizes the Secretary to award grants to improve the collection of 3D elevation data.

TITLE XI – INDIAN ENERGY

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

Section 11001. Indian tribal energy resource development.

Section 11001(a) requires the Secretary of the Interior to consult with each applicable Indian tribe before approving a plan or well-spacing program that affects the energy resources of that tribe or its members; requires the Secretary to provide technical assistance to Indian tribes interested in developing plans for electrification, permitting of oil, gas, and renewable facilities, energy efficiency programs, electrical generation, plans for protecting natural, cultural, and other resources, and any other plans that would assist a tribe in the development or use of energy resources; and requires the Secretary to carry out the program under section 2602 of the EPACT 1992 in cooperation with the DOE's Office of Indian Energy Policy and Programs. Subsections (b) and (c) add "intertribal organizations" to the eligible grantees that can participate in the loan guarantee program under section 2602(c) of EPACT 2005; adds, as an authorized use of grant funds, "activities to increase capacity of Indian tribes to manage energy development and efficiency programs;" allows tribal energy development organizations to participate in the loan guarantee program; and, requires the Secretary of Energy to adopt regulations to carry out the subsection not later than one year after the date of enactment of this Act.

Section 11002. Indian tribal energy resource regulation.

Section 11002 requires the Secretary of the Interior to provide assistance, information and expertise to a tribal energy development organization (in addition to an Indian tribe) when issuing energy resource development grants.

Section 11003. Tribal energy resource agreements.

Section 11003 clarifies that Indian tribes which enter into leases or business agreements under section 2604 of EPACT 1992, may use those leases or business agreements to construct electric facilities, including those that use renewable energy on tribal lands; allows leases and business agreements to include provisions for the voluntary pooling, unitization, or communization of the Indian tribe's energy resources with the energy resources of other parties; provides that a lease or business agreement between the Indian tribe and a tribal energy development organization, does not require review and approval of the Secretary if the lease or business agreement is for a term not to exceed 30 years or, in the case of an oil and gas lease, 10 years and so long as oil and gas is produced in paying quantities; clarifies that rights-of-ways that facilitate electric production or energy resource development, may also include facilities that produce electricity from renewable resources; provides that a right-of-way between a tribe and a tribal energy development organization, does not require review and approval of the Secretary if the lease or business agreement is for a term not to exceed 30 years; makes conforming amendments to section 2604(d) of the EPACT 1992 to clarify when a lease, business agreement, or right-of-way is valid under a tribal energy resource agreement (TERA); and streamlines the TERA approval and disapproval process.

Section 11004. Technical assistance for Indian tribal governments.

Section 11004 requires the Secretary to collaborate with the Directors of the National Laboratories to make the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.

Section 11005. Conforming amendments.

Section 11005 makes a number of conforming amendments, and expands the 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.

Section 11006. Report.

Section 11006 requires the Secretary to submit, within 18 months of enactment of this Act, a report to the relevant committees detailing what DOE does to facilitate energy development on Indian land.

SUBTITLE B-MISCELLANEOUS AMENDMENTS

Section 11101. Issuance of preliminary permits and licenses.

Section 11101(a) authorizes FERC to give the same preference to Indian tribes that it gives to states and municipalities when issuing preliminary permits or original licenses. Subsection (c) defines “Indian tribe” for section 7(a) of the FPA to have the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.

Section 11102. Tribal biomass demonstration project.

Section 11102 establishes a biomass demonstration project for Indian tribes and Alaska Native corporations to promote biomass energy production.

Section 11103. Weatherization program.

Section 11103 facilitates direct funding of Indian tribes to carry out the weatherization program if (1) requested by the tribal organization and (2) 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 provides that if tribally designated housing entity that has operated without material audit exceptions, the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization.

Section 11104. Appraisals.

Section 11104 requires the Secretary to review within 45 day appraisals relating to the fair market value of tribal mineral or energy resources prepared by an Indian tribe or a certified third-party appraiser. 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.

Section 11105. Leases of restricted lands for Navajo Nation.

Section 11105 allows the Navajo Nation to enter into a lease for the exploration, development, or extraction of any mineral resources without the approval of the Secretary, provided that the lease meet certain requirements; extends the maximum authorized term for a business or agricultural lease from 25 years to 99 years for the Navajo Nation; and, requires the GAO to report within five years of enactment on the progress made in carrying out the amendment made by this subsection.

Section 11106. Extension of tribal lease period for the Crow Tribe of Montana.

Section 11106 adds the Crow Tribe of Montana to the list of Indian tribes that are authorized to enter into public, religious, educational, recreational, residential, or business leases for terms up to 99 years, with the approval of the Secretary.

Section 11107. Trust status of lease payments.

Section 11107 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. Subsection (b) provides that 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. Subsection (c) clarifies that this section only applies to advance payments, bid deposits, or other earnest moneys received on or after the date of enactment of this Act.