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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Your works are great and marvelous. We praise You for the gift of this day and rededicate ourselves to serve our Nation in a way that honors You.

Lord, we confess that too often we bring You the leftovers of our time, talents, and trust, but empower us to offer You nothing less than our best.

Bless our Senators. Give them the compassion, courage, and wisdom that our times demand. Use them to touch our Nation and world in a way that will enable Your will to be done. Dwell in us all and make us productive for the betterment of humanity.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

FAA REAUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, under a new majority the Senate is getting back to work, and progress is being made on behalf of the American people. We saw another example of that yesterday when we passed the most pro-passenger, pro-security FAA reauthorization in years.

It is the product of dedicated work from Senator THUNE, Senator AYOTTE, and their ranking member counterparts, Senators NELSON and CANTWELL. These Senators ensured that Republicans and Democrats both had a say on this bill, and we ultimately arrived at balanced legislation that passed by a very strong bipartisan majority.

It takes important strides to bolster national security against the threat of terrorism, it contains provisions to help frustrated passengers, and it won't levy a nickel in new taxes or fees on passengers or impose the kind of overregulation that can take away their choice or threaten service.

As the Washington Post reminded us, this is ''the second major transportation bill approved by the Senate within five months.''

So whether it is providing long-term solutions for highway funding, permanent tax relief for families and small businesses, or commonsense reforms for airline passengers and airport security, this much is clear: The Republican-led Senate is working to address issues that affect our constituents on a daily basis.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Now, Mr. President, passing the FAA reauthorization bill isn't the only legislative milestone we will mark this week. Today we will pass, as the New York Times put it, ''the first major energy bill to come to the Senate floor since the Bush administration,'' the passage of which, as the paper has also noted, would represent a significant step forward for the Nation's energy policy.

It has been nearly a decade since the Senate last debated major energy legislation and much has changed in that time. That is why Senator MURKOWSKI, the Energy Committee chair, and Senator CANTWELL, the ranking member, worked for the past year to move broad bipartisan energy legislation, the Energy Policy Modernization Act.

Like the FAA reauthorization bill I mentioned earlier, this bill won't raise taxes on American families, but it can help them by making energy more affordable and more abundant, by building on technological advances and bolstering national security, and by growing the economy and furthering innovation. In short, the bill before us takes a comprehensive approach to bring America's energy policies in line with the kind of challenges and opportunities we now face.

The bill managers worked ceaselessly to see this bill through to final passage. Now, following the passage of the most pro-passenger, pro-security FAA reauthorization in years, the Republican-led Senate will today pass the first major Energy bill in nearly a decade. It is broad, it is bipartisan, and it is just the kind of legislation we are seeing a lot of in a Republican-led Senate that continues to show what is possible with good ideas and good old hard work.

THE APPROPRIATIONS PROCESS

Mr. MCCONNELL. Finally, Mr. President, on the topic of hard work. The reason the Republican-led Senate has been able to pass so much good legislation over the past year is because we resolved to put this Chamber back to work.

That started with the committees. We have seen what is possible in the Commerce Committee; just look at the FAA bill. We have seen what is possible in the Energy Committee; just look at the Energy bill. But we are also seeing what is possible in many other committees, such as Appropriations.

Last year, the committee passed all 12 of the bills that fund the government. Passing all of those bills through committee used to be fairly routine, yet it hadn't happened in years by the time the new majority took over. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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changed that last year. We resolved to do even more this year.

The committee has again gotten the appropriations process off to a strong start, and we would now like to pass as many of the funding bills as possible on the Senate floor. Getting this done will require cooperation from across the aisle.

Our Democratic friends recently wrote a letter pledging cooperation in the appropriations process. ''This is a win-win opportunity,'' they said, and ''we should seize it together.''

With the appropriate cooperation, we will, and we are.

The Appropriations Committee has already conducted more than 40 hearings since January. Tomorrow they will mark up two more funding bills, which follows their action last week to pass two others on a bipartisan and unanimous basis.

We are about to consider one of those funding bills out here on the floor. The Energy and Water appropriations bill is thoughtful, bipartisan legislation that will ensure a fiscally responsible approach to a variety of issues—things such as national security, energy innovation, waterways, and economic development.

I look forward to talking more about it tomorrow, and I would like to thank Senator ALEXANDER and Senator FEINSTEIN for their many hours of hard work on that bill. I would also like to recognize Chairman COCHRAN for everything he has done with Ranking Member MIKULSKI to get the appropriations process moving forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ENERGY AND FAA BILLS

Mr. REID. Mr. President, I am happy to be here and have the Republican leader talk about the things he has been able to accomplish, but I would note—just to make sure the record is clear—the reason these things are happening is because we have a minority that is willing to work with the majority.

The record should also be corrected to the effect that we have had over the last 7½ years lots of debates on energy—lots of them. The problem is that they have gone no place because of the obstruction of my Republican colleagues, with filibuster after filibuster on the bill that we are going to soon dispose of.

I am glad. It is a really important piece of legislation. It was worked on for 5 years, led by Senator SHAHEEN, but it is really difficult to determine how many different times it was stopped because of obstruction—seven or eight times, that I can come up with. So we are glad to be able to get it done. Why? Because we wanted to get it done for years, and finally we are able to get it done.

So we want to be here and work with the Republican leader and friends on the other side of the aisle to get things done. That is why we have been no obstacle to the FAA bill. It is too bad it is such a narrow version of what we wanted to do, but the Republican leader said we will finish the things that we wanted to do to deal with section 48(c) before the end of the year.

APPROPRIATIONS BILLS

Mr. REID. Also, Mr. President, as to the appropriations bills, I was a longtime member of the Appropriations Committee, and I am glad we are moving forward on the appropriations bills. Why didn't we do it before? Because we had objections from the Republicans, and we couldn't. But we are going to be as cooperative as we can and see if we can move some of these appropriations bills. I am happy to have the Republican leader talk about the accomplishments, but make sure there is a side note or a footnote that says this has been accomplished because of our cooperation.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, my friend also talked about the accomplishments of the various committees. My caucus knows how much I believe in the committee system. I think it is very important that committees work well. We know one committee that is not working well, led by the senior Senator from Iowa.

The senior Senator from Iowa claims that he feels no pressure over blocking President Obama's Supreme Court nominee, Merrick Garland. If that is really true, Senator GRASSLEY must not read the papers from Iowa. To date, there have been two dozen Iowa editorials condemning Senator GRASSLEY's refusal to consider President Obama's Supreme Court nominee, and there are many more letters to the editor. This is only Iowa. Around the country there have been scores and scores of editorials talking about how wrong it is that the Judiciary Committee is taking a vacation.

In Iowa there was a column published in the Des Moines Register over the weekend that was especially discerning. It was authored by veteran Iowa political journalist Kathie Obradovich. This is what she wrote:

> Senator Grassley keeps offering new reasons for refusing to give Judge Merrick Garland a hearing and a vote on his appointment to the U.S. Supreme Court. He may as well keep trying, as the explanations he's given so far for waiting until after the next presidential election are mostly nonsense.

I am only going to mention a few of the excuses that the senior Senator from Iowa has invented in an effort to avoid his job.

Senator GRASSLEY won't consider Merrick Garland because he says he wants the American people to have a voice. The Senator either is ignoring or forgetting or doesn't know that the American people and fellow Iowans used their voice twice when they elected and re-elected—both times overwhelmingly—President Obama. They gave President Obama the right to nominate individuals to the Supreme Court as well as all the other obligations a President has.

Secondly, Senator GRASSLEY won't consider Merrick Garland because he said he wants a Justice who abides by the law. Try that one on. If the senior Senator from Iowa wants a Justice who abides by precedent and sticks to the law, he need look no further than Merrick Garland, who has developed a reputation on the bench for respecting precedent. People who served with him—so-called liberal, conservative, and moderate judges—all agree that Merrick Garland is good. In fact, maybe there is somebody who can't stand him, but we haven't heard a peep from anybody saying what a bad judge he is—not from anyone.

Senator GRASSLEY says he won't consider Merrick Garland for a third reason, because the Supreme Court only needs eight Supreme Court Justices. The Supreme Court needs all nine. Yesterday they deadlocked on another question, and it appears that the chairman of the Judiciary Committee is willing to gridlock our Nation's highest Court just to keep Merrick Garland from being confirmed.

That decision yesterday is a bad decision because what it does is to keep in place a lower court ruling that most all academics and people who follow the law believe is wrong. It allowed the State of California standing to sue another State—basically, the State of Nevada. Under their ruling, we are now going to have a free-for-all in the States suing each other. From the time we have been a country, that didn't take place. There was order in interstate commerce.

Well, the fourth reason Senator GRASSLEY gives is that it is all Chief Justice Roberts' fault. The very person who is blocking the Supreme Court nominee is accusing the Chief Justice of making the Court political.

Finally—there are others, but this is enough for this morning—the senior Senator from Iowa says he is just doing what Chairman Biden said 20 years ago. Well, I would suggest—and I am sure his staff has done this, if he hasn't—to look at what Vice President BIDEN did, not a partial part of a speech that he gave, because if you looked at that, he was exemplary. He brought judges to the Senate floor. He even brought nominees to the floor who had been turned down by the committee because, as he said yesterday and he has said before: I believe we have an obligation for advice and consent that is not completed until it is brought to the floor.

So Senator GRASSLEY should follow JOE BIDEN's example and process more than part of a speech he gave. None of

these examples makes sense, as the columnist from Iowa said, but yesterday the Judiciary Committee chair came up with another one. Listen to this one. This is classic. Senator GRASSLEY said he will not consider Merrick Garland's nomination because the hearing would be a waste of taxpayer dollars.

> Well, we could have a hearing, we aren't going to have a hearing, but let's just suppose we did have a hearing. . . . So you have a hearing and you spend a lot of taxpayers' money gearing up for it, you spend a lot of time of members, a lot of research that has to be done by staff.

That is kind of a strange comment. Staff is not paid by the hour. They are paid each day. I would hope they could squeeze into their busy schedules enough time to look at a Supreme Court nominee. Offering our advice and consent on the Supreme Court nomination is what the taxpayers want us to do. Look at polls all over America. That is our job.

I find it ridiculous—there is probably a better description—but I find it ridiculous that the very Senator who continues to use the Judiciary Committee to wage a political war on former Secretary Hillary Clinton dares to claim he is trying to save taxpayer dollars. Where is he, where is his concern for misusing taxpayer funds while his committee continues to waste millions of dollars on partisan opposition research of a Presidential candidate? That is not their job.

Where was the penny-pinching when the Judiciary Committee used Senate funds and Senate staff to investigate former Clinton staffers; for example, asking for maternity leave records—maternity leave records—time sheets, anything they could to try to embarrass Secretary Clinton.

Where is Senator GRASSLEY's focus on government waste while the so-called Benghazi Select Committee continues to spend millions and millions of dollars on a political hit job with no end in sight? Every day the Judiciary Committee has a new excuse, a new justification for why it will not do its job. I think we all have news for the Senator from Iowa: No one is buying it.

They are not buying it in Iowa. They are not buying it in Nevada. They are not buying it in New York. They are not buying it in Kentucky. They are not buying it anyplace. The American people are not buying it. His own constituents are leading the pack of people who are not buying this. His behavior reminds me of a Henry Wadsworth Longfellow poem: ''It takes less time to do the right thing than it does to explain why you did it wrong.''

So the senior Senator from Iowa has spent months trying to explain away the obstruction of a Supreme Court nominee. Wouldn't it be easier to give him a hearing and a vote? Wouldn't it be easier for him to just do his job? Wouldn't it be the right thing to do to just do his job?

Mr. President, I ask the Chair to announce to everyone what the Senate is going to do the rest of the day.

RESERVATION OF LEADER TIME

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

ENERGY POLICY MODERNIZATION ACT OF 2015

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

The senior assistant legislative clerk read as follows:

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

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

Who yields time?

If no one yields time, time will be discharged equally to both sides.

The Senator from Washington.

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, in the very short time we have before the vote is called, I have just a few comments this morning. We have completed our work on a bill that includes more than 350 amendments that were filed to this broad, bipartisan bill. We have accepted a total now of 65 of those amendments.

This bill contains priorities from over 80 Members of this body. Not everything has been smooth. I think we recognize that. I think this bill has shown that the Senate does work, the Senate can work cooperatively, that they can work toward a bipartisan product that will produce long-lasting

benefits for the people who have sent us here to serve them.

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The PRESIDING OFFICER (Mr. COTTON). Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 54 Leg.]

YEAS—85

Alexander	Ernst	McConnell
Ayotte	Feinstein	Menendez
Baldwin	Fischer	Merkley
Barrasso	Flake	Mikulski
Bennet	Franken	Moran
Blumenthal	Gardner	Murkowski
Blunt	Gillibrand	Murphy
Booker	Graham	Murray
Boxer	Grassley	Nelson
Brown	Hatch	Peters
Burr	Heinrich	Portman
Cantwell	Heitkamp	Reed
Capito	Heller	Reid
Cardin	Hirono	Risch
Casey	Hoeven	Roberts
Cassidy	Inhofe	Rounds
Coats	Isakson	Schatz
Cochran	Johnson	Schumer
Collins	Kaine	Shaheen
Coons	King	Stabenow
Corker	Kirk	Sullivan
Cornyn	Klobuchar	Tester
Crapo	Leahy	Thune
Daines	Manchin	Tillis
Donnelly	Markey	Udall
Durbin	McCain	
Enzi	McCaskill	
Vitter	Warren	Wicker
Warner	Whitehouse	Wyden

NAYS—12

Boozman	Paul	Scott
Cotton	Perdue	Sessions
Lankford	Rubio	Shelby
Lee	Sasse	Toomey

NOT VOTING—3

Carper	Cruz	Sanders

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

S.2012

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

TITLE I—EFFICIENCY

Subtitle A—Buildings

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

Subtitle B—Appliances

Sec. 1101. Extended product system rebate program.
Sec. 1102. Energy efficient transformer rebate program.
Sec. 1103. Standards for certain furnaces.
Sec. 1104. Third-party certification under Energy Star program.
Sec. 1105. Energy conservation standards for commercial refrigeration equipment.
Sec. 1106. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.
Sec. 1107. Application of energy conservation standards to certain external power supplies.

Subtitle C—Manufacturing

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

Subtitle D—Vehicles

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

PART I—VEHICLE RESEARCH AND DEVELOPMENT

Sec. 1306. Program.
Sec. 1307. Manufacturing.

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

Sec. 1308. Program.
Sec. 1309. Class 8 truck and trailer systems demonstration.
Sec. 1310. Technology testing and metrics.
Sec. 1311. Nonroad systems pilot program.

PART III—ADMINISTRATION

Sec. 1312. Repeal of existing authorities.
Sec. 1313. Reauthorization of diesel emissions reduction program.
Sec. 1314. Gaseous fuel dual fueled automobiles.

Subtitle E—Short Title

Sec. 1401. Short title.

Subtitle F—Housing

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

TITLE II—INFRASTRUCTURE

Subtitle A—Cybersecurity

Sec. 2001. Cybersecurity threats.
Sec. 2002. Enhanced grid security.

Subtitle B—Strategic Petroleum Reserve

Sec. 2101. Strategic Petroleum Reserve modernization.
Sec. 2102. Strategic petroleum reserve drawdown and sale.

Subtitle C—Trade

Sec. 2201. Action on applications to export liquefied natural gas.
Sec. 2202. Public disclosure of liquefied natural gas export destinations.
Sec. 2203. Energy data collaboration.

Subtitle D—Electricity and Energy Storage

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

Subtitle E—Computing

Sec. 2401. Exascale computer research program.

TITLE III—SUPPLY

Subtitle A—Renewables

PART I—HYDROELECTRIC

Sec. 3001. Hydropower regulatory improvements.
Sec. 3002. Hydroelectric production incentives and efficiency improvements.
Sec. 3003. Extension of time for a Federal Energy Regulatory Commission project involving Clark Canyon Dam.
Sec. 3004. Extension of time for a Federal Energy Regulatory Commission project involving Gibson Dam.

PART II—GEOTHERMAL

SUBPART A—GEOTHERMAL ENERGY

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

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

Sec. 3011. Definitions.
Sec. 3011A. Land use planning; supplements to programmatic environmental impact statements.
Sec. 3011B. Environmental review on covered land.
Sec. 3011C. Program to improve renewable energy project permit coordination.
Sec. 3011D. Savings clause.

SUBPART C—GEOTHERMAL EXPLORATION

Sec. 3012. Geothermal exploration test projects.

PART III—MARINE HYDROKINETIC

Sec. 3013. Definition of marine and hydrokinetic renewable energy.
Sec. 3014. Marine and hydrokinetic renewable energy research and development.
Sec. 3015. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 3016. Authorization of appropriations.

PART IV—BIOMASS

Sec. 3017. Policies relating to biomass energy.

Subtitle B—Oil and Gas

Sec. 3101. Amendments to the Methane Hydrate Research and Development Act of 2000.
Sec. 3102. Liquefied natural gas study.
Sec. 3103. FERC process coordination with respect to regulatory approval of gas projects.
Sec. 3104. Pilot program.
Sec. 3105. GAO review and report.
Sec. 3106. Ethane storage study.
Sec. 3107. Aliso Canyon natural gas leak task force.
Sec. 3108. Report on incorporating Internet-based lease sales.
Sec. 3109. Denali National Park and Preserve natural gas pipeline.

Subtitle C—Helium

Sec. 3201. Rights to helium.

Subtitle D—Critical Minerals

Sec. 3301. Definitions.
Sec. 3302. Policy.
Sec. 3303. Critical mineral designations.
Sec. 3304. Resource assessment.
Sec. 3305. Permitting.
Sec. 3306. Federal Register process.
Sec. 3307. Recycling, efficiency, and alternatives.
Sec. 3308. Analysis and forecasting.
Sec. 3309. Education and workforce.
Sec. 3310. National geological and geophysical data preservation program.
Sec. 3311. Administration.
Sec. 3312. Authorization of appropriations.

Subtitle E—Coal

Sec. 3401. Sense of the Senate on carbon capture, use, and storage development and deployment.
Sec. 3402. Fossil energy.
Sec. 3403. Establishment of coal technology program.
Sec. 3404. Report on price stabilization support.

Subtitle F—Nuclear

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

Subtitle G—Workforce Development

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

Subtitle H—Recycling

Sec. 3701. Recycled carbon fiber.
Sec. 3702. Energy generation and regulatory relief study regarding recovery and conversion of nonrecycled mixed plastics.
Sec. 3703. Eligible projects.
Sec. 3704. Promoting use of reclaimed refrigerants in Federal facilities.

Subtitle I—Thermal Energy

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

TITLE IV—ACCOUNTABILITY

Subtitle A—Loan Programs

Sec. 4001. Terms and conditions for incentives for innovative technologies.
Sec. 4002. State loan eligibility.
Sec. 4003. GAO Study on fossil loan guarantee incentive program.
Sec. 4004. Program eligibility for vessels.
Sec. 4005. Additional reforms.
Sec. 4006. Department of Energy Indian energy education planning and management assistance program.

Subtitle B—Energy-Water Nexus

Sec. 4101. Nexus of energy and water for sustainability.
Sec. 4102. Smart energy and water efficiency pilot program.

Subtitle C—Innovation

Sec. 4201. America COMPETES programs.
Sec. 4202. Inclusion of early stage technology demonstration in authorized technology transfer activities.
Sec. 4203. Supporting access of small business concerns to National Laboratories.
Sec. 4204. Microlab technology commercialization.
Sec. 4205. Sense of the Senate on accelerating energy innovation.
Sec. 4206. Restoration of Laboratory Directed Research and Development Program.
Sec. 4207. National Science and Technology Council coordinating subcommittee for high-energy physics.

Subtitle D—Grid Reliability

Sec. 4301. Bulk-power system reliability impact statement.
Sec. 4302. Report by transmission organizations on diversity of supply.

Subtitle E—Management

Sec. 4401. Federal land management.
Sec. 4402. Quadrennial Energy Review.
Sec. 4403. State oversight of oil and gas programs.
Sec. 4404. Under Secretary for Science and Energy.
Sec. 4405. Western Area Power Administration pilot project.
Sec. 4406. Research grants database.
Sec. 4407. Review of economic impact of BSEE rule on small entities.
Sec. 4408. Energy emergency response efforts of the Department.
Sec. 4409. GAO report on Bureau of Safety and Environmental Enforcement statutory and regulatory authority for the procurement of helicopter fuel.
Sec. 4410. Conveyance of federal land within the Swan Lake hydroelectric project boundary.
Sec. 4411. Study of waivers of certain cost-sharing requirements.
Sec. 4412. National park centennial.
Sec. 4413. Program to reduce the potential impacts of solar energy facilities on certain species.
Sec. 4414. Wild horses in and around the Currituck National Wildlife Refuge.

Subtitle F—Markets

Sec. 4501. Enhanced information on critical energy supplies.
Sec. 4502. Working Group on Energy Markets.
Sec. 4503. Study of regulatory framework for energy markets.

Subtitle G—Affordability

Sec. 4601. E-prize competition pilot program.
Sec. 4602. Carbon dioxide capture technology prize.

Subtitle H—Code Maintenance

Sec. 4701. Repeal of off-highway motor vehicles study.
Sec. 4702. Repeal of methanol study.
Sec. 4703. Repeal of authorization of appropriations provision.
Sec. 4704. Repeal of residential energy efficiency standards study.
Sec. 4705. Repeal of weatherization study.
Sec. 4706. Repeal of report to Congress.
Sec. 4707. Repeal of report by General Services Administration.
Sec. 4708. Repeal of intergovernmental energy management planning and coordination workshops.
Sec. 4709. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.
Sec. 4710. Repeal of procurement and identification of energy efficient products program.
Sec. 4711. Repeal of national action plan for demand response.
Sec. 4712. Repeal of national coal policy study.
Sec. 4713. Repeal of study on compliance problem of small electric utility systems.
Sec. 4714. Repeal of study of socioeconomic impacts of increased coal production and other energy development.
Sec. 4715. Repeal of study of the use of petroleum and natural gas in combustors.
Sec. 4716. Repeal of submission of reports.
Sec. 4717. Repeal of electric utility conservation plan.
Sec. 4718. Emergency Energy Conservation repeals.

Sec. 4719. Energy Security Act repeals.
Sec. 4720. Nuclear Safety Research, Development, and Demonstration Act of 1980 repeals.
Sec. 4721. Elimination and consolidation of certain America COMPETES programs.
Sec. 4722. Repeal of state utility regulatory assistance.
Sec. 4723. Repeal of survey of energy saving potential.
Sec. 4724. Repeal of photovoltaic energy program.
Sec. 4725. Repeal of energy auditor training and certification.
Sec. 4726. Repeal of authorization of appropriations.
Sec. 4727. Repeal of Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.
Sec. 4728. Repeal of hydrogen research, development, and demonstration program.
Sec. 4729. Repeal of study on alternative fuel use in nonroad vehicles and engines.
Sec. 4730. Repeal of low interest loan program for small business fleet purchases.
Sec. 4731. Repeal of technical and policy analysis for replacement fuel demand and supply information.
Sec. 4732. Repeal of 1992 Report on Climate Change.
Sec. 4733. Repeal of Director of Climate Protector establishment.
Sec. 4734. Repeal of 1994 report on global climate change emissions.
Sec. 4735. Repeal of telecommuting study.
Sec. 4736. Repeal of advanced buildings for 2005 program.
Sec. 4737. Repeal of Energy Research, Development, Demonstration, and Commercial Application Advisory Board.
Sec. 4738. Repeal of study on use of energy futures for fuel purchase.
Sec. 4739. Repeal of energy subsidy study.
Sec. 4740. Modernization of terms relating to minorities.

TITLE V—CONSERVATION REAUTHORIZATION

Sec. 5001. National Park Service Maintenance and Revitalization Conservation Fund.
Sec. 5002. Land and Water Conservation Fund.
Sec. 5003. Historic Preservation Fund.
Sec. 5004. Conservation incentives landowner education program.

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

Sec. 6001. Short title.

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

Sec. 6011. Indian tribal energy resource development.
Sec. 6012. Indian tribal energy resource regulation.
Sec. 6013. Tribal energy resource agreements.
Sec. 6014. Technical assistance for Indian tribal governments.
Sec. 6015. Conforming amendments.
Sec. 6016. Report.

Subtitle B—Miscellaneous Amendments

Sec. 6201. Issuance of preliminary permits or licenses.
Sec. 6202. Tribal biomass demonstration project.
Sec. 6203. Weatherization program.
Sec. 6204. Appraisals.
Sec. 6205. Leases of restricted lands for Navajo Nation.
Sec. 6206. Extension of tribal lease period for the Crow Tribe of Montana.
Sec. 6207. Trust status of lease payments.

TITLE VII—BROWNFIELDS REAUTHORIZATION

Sec. 7001. Short title.
Sec. 7002. Expanded eligibility for nonprofit organizations.
Sec. 7003. Multipurpose brownfields grants.
Sec. 7004. Treatment of certain publicly owned brownfield sites.
Sec. 7005. Increased funding for remediation grants.
Sec. 7006. Allowing administrative costs for grant recipients.
Sec. 7007. Small community technical assistance grants.
Sec. 7008. Waterfront brownfields grants.
Sec. 7009. Clean energy brownfields grants.
Sec. 7010. Targeted funding for States.
Sec. 7011. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 8001. Removal of use restriction.

TITLE IX—MISCELLANEOUS

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

TITLE X—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

Sec. 10001. Arapaho National Forest boundary adjustment.
Sec. 10002. Land conveyance, Elkhorn Ranch and White River National Forest, Colorado.
Sec. 10003. Land exchange in Crags, Colorado.
Sec. 10004. Cerro del Yuta and Río San Antonio Wilderness Areas.
Sec. 10005. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.
Sec. 10006. Cooper Spur land exchange clarification amendments.
Sec. 10007. Expedited access to certain Federal land.
Sec. 10008. Black Hills National Cemetery boundary modification.

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

Sec. 10101. Refund of funds used by States to operate national parks during shutdown.
Sec. 10102. Lower Farmington and Salmon Brook recreational rivers.
Sec. 10103. Special resource study of President Street Station.
Sec. 10104. Special resource study of Thurgood Marshall's elementary school.
Sec. 10105. Special resource study of James K. Polk presidential home.
Sec. 10106. North Country National Scenic Trail route adjustment.
Sec. 10107. Designation of Jay S. Hammond Wilderness Area.
Sec. 10108. Advisory Council on Historic Preservation.
Sec. 10109. Establishment of a visitor services facility on the Arlington Ridge tract.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

Sec. 10201. Congressional declaration of national policy.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

Sec. 10211. Definitions.
Sec. 10212. Federal land open to hunting, fishing, and recreational shooting.
Sec. 10213. Closure of Federal land to hunting, fishing, and recreational shooting.
Sec. 10214. Shooting ranges.
Sec. 10215. Federal action transparency.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

Sec. 10221. Commercial filming.

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

Sec. 10231. Bows in parks.
Sec. 10232. Wildlife management in parks.
Sec. 10233. Identifying opportunities for recreation, hunting, and fishing on Federal land.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

Sec. 10241. Federal Land Transaction Facilitation Act.

PART VI—FISH AND WILDLIFE CONSERVATION

Sec. 10251. Amendments to Pittman-Robertson Wildlife Restoration Act.
Sec. 10252. North American Wetlands Conservation Act.
Sec. 10253. National fish habitat conservation.
Sec. 10254. Gulf States Marine Fisheries Commission report on Gulf of Mexico outer Continental Shelf State boundary extension.
Sec. 10255. GAO report on Gulf of Mexico outer Continental Shelf State boundary extension.

PART VII—MISCELLANEOUS

Sec. 10261. Respect for treaties and rights.
Sec. 10262. No priority.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

Sec. 10301. Authority to make entire active capacity of Fontenelle Reservoir available for use.
Sec. 10302. Savings provisions.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

Sec. 10311. Definitions.
Sec. 10312. Asset management report enhancements for reserved works.
Sec. 10313. Asset management report enhancements for transferred works.
Sec. 10314. Offset.

PART III—BASIN WATER MANAGEMENT

SUBPART A—YAKIMA RIVER BASIN WATER ENHANCEMENT

Sec. 10321. Short title.
Sec. 10322. Modification of terms, purposes, and definitions.
Sec. 10323. Yakima River Basin Water Conservation Program.
Sec. 10324. Yakima Basin water projects, operations, and authorizations.
Sec. 10325. Authorization of Phase III of Yakima River Basin Water Enhancement Project.

SUBPART B—KLAMATH PROJECT WATER AND POWER

Sec. 10329. Klamath Project.

PART IV—RESERVOIR OPERATION IMPROVEMENT

Sec. 10331. Reservoir operation improvement.

PART V—HYDROELECTRIC PROJECTS

Sec. 10341. Terror Lake Hydroelectric Project Upper Hidden Basin Diversion authorization.
Sec. 10342. Stay and Reinstatement of FERC License No. 11393 for the Mahoney Lake Hydroelectric Project.
Sec. 10343. Extension of deadline for hydroelectric project.

Sec. 10344. Extension of deadline for certain other hydroelectric projects.
Sec. 10345. Equus Beds Division extension.
Sec. 10346. Extension of time for a Federal Energy Regulatory Commission project involving Cannonsville Dam.
PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION
Sec. 10351. Pumped storage hydropower compensation.

SEC. 2. DEFINITIONS.

In this Act:

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

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

TITLE I—EFFICIENCY

Subtitle A—Buildings

SEC. 1001. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

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

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

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

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

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

''(C) other appropriate organizations.''; and

(2) by adding at the end the following:

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

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

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

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall—

''(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

''(2) support full compliance with the State and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

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

''(i) the energy savings of the updated model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

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

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

''(1) REQUIREMENT.—

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

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

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

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

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

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

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

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

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

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

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

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

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

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

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

''(4) ANNUAL REPORTS BY SECRETARY.—

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

''(i) the status of model building energy codes;

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

''(iii) the implementation of this section; and

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

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

''(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

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

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

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

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

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

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

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

''(f) AVAILABILITY OF INCENTIVE FUNDING.—

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

''(A) to implement the requirements of this section;

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

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

''(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

''(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

''(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

''(3) TRAINING.—Of the amounts made available under this subsection, the State or Indian tribe may use amounts required, but not to exceed $750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

''(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

''(g) STRETCH CODES AND ADVANCED STANDARDS.—

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

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

''(B) guidelines for energy-efficient building design.

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

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

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

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

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

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

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

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

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and section 307 $200,000,000, to remain available until expended.''.

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

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

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

''(b) TARGETS.—

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

''(2) TARGETS.—

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

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

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

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

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

''(II) is higher than the preceding target; and

''(III) promotes the achievement of commercial and residential high-performance buildings through high-performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

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

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

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

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

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

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating code or standards proposals or revisions;

''(B) building energy analysis and design tools;

''(C) building demonstrations;

''(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(E) performance-based standards;

''(F) evaluating economic considerations under subsection (b)(4); and

''(G) developing model building energy codes by Indian tribes in accordance with tribal law.

''(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

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

''(d) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

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

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

''(2) CODES OR STANDARDS NOT MEETING TARGETS.—

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

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

''(ii) available appliances, technologies, materials, and construction practices; and

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

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

''(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

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

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

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

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

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (referred to in this section as the ''Secretary'') shall establish a demonstration program under which, during the period beginning on the date of enactment of this Act, and ending on September 30, 2018, the Secretary may enter into budget-neutral, performance-based agreements that result in a reduction in energy or water costs with such entities as the Secretary determines to be appropriate under which the entities shall carry out projects for energy or water conservation improvements at not more than 20,000 residential units in multifamily buildings participating in—

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

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

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

(b) REQUIREMENTS.—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity a payment under an agreement under this section only during applicable years for which an energy or water cost savings is achieved with respect to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) PAYMENT METHODOLOGY.—

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

(I) that will serve as a payment threshold for the term of the agreement; and

(II) pursuant to which the Department of Housing and Urban Development shall share a percentage of the savings at a level determined by the Secretary that is sufficient to cover the administrative costs of carrying out this section.

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

(I) be contingent on documented utility savings; and

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

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

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established preretrofit;

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

(iii) annual third party validation of the tenant utility allowances in effect during the applicable year and vacancy rates for each unit type; and

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

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

(3) ENTITY ELIGIBILITY.—The Secretary shall—

(A) establish a competitive process for entering into agreements under this section; and

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

(i) financing and operating properties receiving assistance under a program described in subsection (a);

(ii) oversight of energy and water conservation programs, including oversight of contractors; and

(iii) raising capital for energy and water conservation improvements from charitable organizations or private investors.

(4) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(c) PLAN AND REPORTS.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a detailed plan for the implementation of this section.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

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

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

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

SEC. 1003. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITION OF SCHOOL.—In this section, the term ''school'' means—

(1) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

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

(3) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

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

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

(6) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

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

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

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

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

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

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

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

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

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

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

(D) to promote—

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

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

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

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

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

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

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

SEC. 1004. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY MATERIALS.—

(A) IN GENERAL.—The term ''energy-efficiency materials'' means a measure (including a product, equipment, or system) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term ''energy-efficiency materials'' includes an item involving—

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

(ii) a window;

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

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

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

(3) NONPROFIT BUILDING.—

(A) IN GENERAL.—The term ''nonprofit building'' means a building operated and owned by a nonprofit organization.

(B) INCLUSIONS.—The term ''nonprofit building'' includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a youth center;

(iii) a school;

(iv) a social-welfare program facility;

(v) a faith-based organization; and

(vi) any other nonresidential and noncommercial structure.

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

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

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

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

(A) the energy savings achieved;

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

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

(D) the financial need of the applicant.

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

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

SEC. 1005. UTILITY ENERGY SERVICE CONTRACTS.

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

''(f) UTILITY ENERGY SERVICE CONTRACTS.—

''(1) IN GENERAL.—Each Federal agency may use, to the maximum extent practicable, measures provided by law to meet energy efficiency and conservation mandates and laws, including through utility energy service contracts.

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

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

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

(a) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended by striking ''may'' and inserting ''shall''.

(b) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency;

''(B) the investment value of the contracts;

''(C) the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year;

''(D) the plan for entering into the contracts in the coming year; and

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

(c) DEFINITION OF ENERGY CONSERVATION MEASURES.—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking ''or retrofit activities'' and inserting ''retrofit activities, or energy consuming devices and required support structures''.

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

(1) in clause (i), by striking ''or'' at the end;

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

(3) by adding at the end the following:

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

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

''(H) MISCELLANEOUS AUTHORITY.—Notwithstanding any other provision of law, a Federal agency may sell or transfer energy savings and apply the proceeds of the sale or transfer to fund a contract under this title.''.

(f) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking ''(and related operation and maintenance expenses)'' and inserting '', including related operations and maintenance expenses''.

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

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

(1) in subparagraph (A), by striking ''federally owned building or buildings or other federally owned facilities'' and inserting ''Federal building (as defined in section 551)'' each place it appears;

(2) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

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

(4) by adding at the end the following:

''(E) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from Federal, State, or local governments or utilities; and

''(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.''.

SEC. 1007. BUILDING TRAINING AND ASSESSMENT CENTERS.

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

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

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

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

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

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

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

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the industrial research and assessment centers program and with other Federal programs to avoid duplication of effort.

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

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

SEC. 1008. CAREER SKILLS TRAINING.

(a) IN GENERAL.—The Secretary shall pay grants to eligible entities described in subsection (b) to pay the Federal share of associated career skills training programs under which students concurrently receive classroom instruction and on-the-job training for

the purpose of obtaining an industry-related certification to install energy efficient buildings technologies, including technologies described in section 307(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6836(b)(3)).

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

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

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

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

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

''(h) FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(B) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40, United States Code.

''(2) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with the Director to develop an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies.

''(3) ADMINISTRATION.—In developing an implementation strategy, each Federal agency shall consider—

''(A) advanced metering infrastructure;

''(B) energy efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(C) advanced power management tools;

''(D) building information modeling, including building energy management; and

''(E) secure telework and travel substitution tools.

''(4) PERFORMANCE GOALS.—

''(A) IN GENERAL.—Not later than September 30, 2015, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology systems.

''(B) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall supplement the performance goals established under this paragraph with recommendations on best practices for the attainment of the performance goals, to include a requirement for agencies to consider the use of—

''(i) energy savings performance contracting; and

''(ii) utility energy services contracting.

''(5) REPORTS.—

''(A) AGENCY REPORTS.—Each Federal agency subject to the requirements of this subsection shall include in the report of the agency under section 527 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17143) a description of the efforts and results of the agency under this subsection.

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

''(C) USE OF EXISTING REPORTING STRUCTURES.—The Director may require Federal agencies to submit any information required to be submitted under this subsection though reporting structures in use as of the date of enactment of the Energy Policy Modernization Act of 2016.''.

SEC. 1010. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

SEC. 1011. ENERGY EFFICIENT DATA CENTERS.

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

(1) in subsection (b)—

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

(B) by striking paragraph (3); and

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

''(c) STAKEHOLDER INVOLVEMENT.—

''(1) IN GENERAL.—The Secretary and the Administrator shall carry out subsection (b) in consultation with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the best knowledge in the most pertinent domains.

''(2) CONSIDERATIONS.—In carrying out consultation described in paragraph (1), the Secretary and the Administrator shall pay particular attention to organizations that—

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

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

''(C) follow—

''(i) commonly accepted procedures for the development of specifications; and

''(ii) accredited standards development processes; or

''(D) have a mission to promote energy efficiency for data centers and information technology.

''(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

''(e) STUDY.—The Secretary, in consultation with the Administrator, not later than 18 months after the date of enactment of the Energy Policy Modernization Act of 2016, shall make available to the public an update to the report submitted to Congress pursuant to section 1 of the Act of December 20, 2006 (Public Law 109–431; 120 Stat. 2920), entitled 'Report to Congress on Server and Data Center Energy Efficiency' and dated August 2, 2007, that provides—

''(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2007 through 2014;

''(2) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

''(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

''(4) an evaluation of water usage in data centers and recommendations for reductions in such water usage; and

''(5) updated projections and recommendations for best practices through fiscal year 2020.

''(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—

''(1) IN GENERAL.—The Secretary, in consultation with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that provides for the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers.

''(2) EVALUATIONS.—Each Federal agency shall consider having the data centers of the agency evaluated once every 4 years by energy practitioners certified pursuant to the program, whenever practicable using certified practitioners employed by the agency.

''(g) OPEN DATA INITIATIVE.—

''(1) IN GENERAL.—The Secretary, in consultation with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making the data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation.

''(2) CONSIDERATION.—In establishing the initiative under paragraph (1), the Secretary shall consider using the online Data Center Maturity Model.

''(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in consultation with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

''(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate in the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

''(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.''.

SEC. 1012. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''appropriated—'' and all that follows through the period at the end and inserting ''appropriated $350,000,000 for each of fiscal years 2016 through 2020.''.

(b) GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

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

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

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

''(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor, homeowner labor equity, and other private sector resources;

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

''(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time grant funds have been expended.

''(b) DEFINITIONS.—In this section:

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

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

''(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multifamily homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

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

''(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term 'Weatherization Assistance Program for Low-Income Persons' means the program established under this part (including part 440 of title 10, Code of Federal Regulations, or successor regulations).

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

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

''(1) the number of low-income homes the applicant—

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

''(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

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

''(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

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

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

''(6) regional diversity;

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

''(8) such other factors as the Secretary determines to be appropriate.

''(e) APPLICATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

''(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

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

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

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

''(2) energy efficiency materials and supplies;

''(3) organizational capacity—

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

''(B) to replicate an energy retrofit program in other States; and

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

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

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

''(6) quality control and improvement;

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

''(8) program monitoring, oversight, evaluation, and reporting;

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

''(10) labor and training activities; and

''(11) such other activities as the Secretary determines to be appropriate.

''(g) MAXIMUM AMOUNT.—

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

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

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

''(2) TECHNICAL AND TRAINING ASSISTANCE.—The total amount of a grant provided under this section shall be reduced by the cost of any technical and training assistance provided by the Secretary that relates to the grant.

''(h) GUIDELINES.—

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

''(2) ADMINISTRATION.—The guidelines—

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

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

''(i) standards for allowable expenditures;

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

''(iii) standards—

''(I) to carry out training programs;

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

''(III) to provide technical assistance;

''(IV) to monitor program activities; and

''(V) to verify energy and cost savings;

''(iv) liability insurance requirements; and

''(v) recordkeeping requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

''(i) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of any covered organization that receives a grant under this section (which may include an audit), as determined by the Secretary.

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

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

''(1) findings;

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

''(3) any recommendations for further action.

''(l) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 under section 422, the Secretary shall use to carry out this section for each of fiscal years 2016 through 2020 not less than—

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

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

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

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

''(f) STANDARDS PROGRAM.—

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

''(A) accredited by the Building Performance Institute;

''(B) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network; or

''(C) accredited by an equivalent accreditation or program accreditation-based State

certification program approved by the Secretary.

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

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

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

''(ii) supervises the work performed with grant funds.

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

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

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

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

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

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

SEC. 1013. REAUTHORIZATION OF STATE ENERGY PROGRAM.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$125,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$90,000,000 for each of fiscal years 2016 through 2020, of which not greater than 5 percent may be used to provide competitively awarded financial assistance''.

SEC. 1014. SMART BUILDING ACCELERATION.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term ''program'' means the Federal Smart Building Program established under subsection (b)(1).

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

(A) is flexible and automated;

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

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

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

(E) is cybersecure.

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

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

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

(b) FEDERAL SMART BUILDING PROGRAM.—

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

(A) to implement smart building technology; and

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

(2) SELECTION.—

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

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

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

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

(A) the Department of the Army;

(B) the Department of the Navy;

(C) the Department of the Air Force;

(D) the Department;

(E) the Department of the Interior;

(F) the Department of Veterans Affairs; and

(G) the General Services Administration.

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

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

(A) which advanced building technologies—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

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

(c) SURVEY OF PRIVATE SECTOR SMART BUILDINGS.—

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

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

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

(A) which advanced building technologies and systems—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

(d) LEVERAGING EXISTING PROGRAMS.—

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

(2) RESEARCH AND DEVELOPMENT.—

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

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

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

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

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

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

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

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

(vii) integration and application of combined heat and power systems and energy storage for resiliency;

(viii) characterization of buildings and components;

(ix) consumer and utility protections;

(x) continuous management, including the challenges of managing multiple energy systems and optimizing systems for disparate stakeholders; and

(xi) other areas of research and development, as determined appropriate by the Secretary.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until a total of 3 reports have been made, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on—

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

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

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

SEC. 1015. REPEAL OF FOSSIL PHASE-OUT.

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

SEC. 1016. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

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

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

(2) by adding at the end the following:

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

(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) (as amended by section 1015) is amended—

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

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

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

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

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

''(aa) meet or exceed the most recent revision of the International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) as of the date of enactment of the Energy Policy Modernization Act of 2016; and

''(bb) meet or exceed the energy provisions of State and local building codes applicable to the building, if the codes are more stringent than the International Energy Conservation Code or ASHRAE Standard 90.1, as applicable;

''(II) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

''(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is applied under subclause (I)(aa), including updates under subparagraph (B); and

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

''(III) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost effective; and

''(IV) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.

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

''(B) UPDATES.—Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary shall determine whether the revised standards established under subparagraph (A) should be updated to reflect the revisions, based on the energy savings and life-cycle cost-effectiveness of the revisions.''; and

(2) in subparagraph (C), by striking ''(C) In the budget request'' and inserting the following:

''(C) BUDGET REQUEST.—In the budget request''.

SEC. 1017. CODIFICATION OF EXECUTIVE ORDER.

Beginning in fiscal year 2016 and each fiscal year thereafter through fiscal year 2025, the head of each Federal agency shall, unless otherwise specified and where life-cycle cost-effective, promote building energy conservation, efficiency, and management by reducing, in Federal buildings of the agency, building energy intensity, as measured in British thermal units per gross square foot, by 2.5 percent each fiscal year, relative to the baseline of the building energy use of the applicable Federal buildings in fiscal year 2015 and after taking into account the progress of the Federal agency in preceding fiscal years.

SEC. 1018. CERTIFICATION FOR GREEN BUILDINGS.

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

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

''(D) CERTIFICATION FOR GREEN BUILDINGS.—

''(i) SUSTAINABLE DESIGN PRINCIPLES.—Sustainable design principles shall be applied to the siting, design, and construction of buildings covered by this subparagraph.

''(ii) SELECTION OF CERTIFICATION SYSTEMS.—The Secretary, after reviewing the findings of the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)), in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense relating to those facilities under the custody and control of the Department of Defense, shall determine those certification systems for green commercial and residential buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.

''(iii) BASIS FOR SELECTION.—The determination of the certification systems under clause (ii) shall be based on ongoing review of the findings of the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)) and the criteria described in clause (v).

''(iv) ADMINISTRATION.—In determining certification systems under this subparagraph, the Secretary shall—

''(I) make a separate determination for all or part of each system;

''(II) confirm that the criteria used to support the selection of building products, materials, brands, and technologies—

''(aa) are fair and neutral (meaning that the criteria are based on an objective assessment of relevant technical data);

''(bb) do not prohibit, disfavor, or discriminate against selection based on technically inadequate information to inform human or environmental risk; and

''(cc) are expressed to prefer performance measures whenever performance measures may reasonably be used in lieu of prescriptive measures; and

''(III) use environmental and health criteria that are based on risk assessment methodology that is generally accepted by the applicable scientific disciplines.

''(v) CONSIDERATIONS.—In determining the green building certification systems under this subparagraph, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subparagraph;

''(II) the ability of the applicable certification organization to collect and reflect public comment;

''(III) the ability of the standard to be developed and revised through a consensus-based process;

''(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) the use of renewable energy sources;

''(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

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

''(V) national recognition within the building industry.

''(vi) REVIEW.—The Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall conduct an ongoing review to evaluate and compare private sector green building certification systems, taking into account—

''(I) the criteria described in clause (v); and

''(II) the identification made by the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)).

''(vii) EXCLUSIONS.—

''(I) IN GENERAL.—Subject to subclause (II), if a certification system fails to meet the review requirements of clause (v), the Secretary shall—

''(aa) identify the portions of the system, whether prerequisites, credits, points, or otherwise, that meet the review criteria of clause (v);

''(bb) determine the portions of the system that are suitable for use; and

''(cc) exclude all other portions of the system from identification and use.

''(II) ENTIRE SYSTEMS.—The Secretary shall exclude an entire system from use if an exclusion under subclause (I)—

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

''(bb) creates disparate review criteria or unequal point access for competing materials; or

''(cc) increases agency costs of the use.

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

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

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

''(xi) EFFECTIVE DATE.—

''(I) DETERMINATIONS MADE AFTER DECEMBER 31, 2015.—This subparagraph shall apply to any determination made by a Federal agency after December 31, 2015.

''(II) DETERMINATIONS MADE ON OR BEFORE DECEMBER 31, 2015.—This subparagraph (as in

effect on the day before the date of enactment of the Energy Policy Modernization Act of 2016) shall apply to any use of a certification system for green commercial and residential buildings by a Federal agency on or before December 31, 2015.''; and

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

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

''(1) once every 5 years, review the Federal building energy standards established under this section; and

''(2) on completion of a review under paragraph (1), if the Secretary determines that significant energy savings would result, upgrade the standards to include all new energy efficiency and renewable energy measures that are technologically feasible and economically justified.''.

SEC. 1019. HIGH PERFORMANCE GREEN FEDERAL BUILDINGS.

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

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

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

''(1) IN GENERAL.—Based on an ongoing review, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a list of those certification systems that the Director identifies as the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.''; and

(3) in paragraph (2)—

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

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

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

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

''(ii) allow any developer or administrator of a rating system or certification system to be included in the review;'';

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

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

(E) by adding at the end the following:

''(G) a finding that, for all credits addressing grown, harvested, or mined materials, the system does not discriminate against the use of domestic products that have obtained certifications of responsible sourcing; and

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

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

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

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

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

(i) costs incurred by—

(I) the agency; or

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

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

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

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

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

(x) the Director of the National Institute of Standards and Technology; or

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''service'' has the meaning given the term by the Director of the Office of Management and Budget.

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

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress and make available on the public Internet website of the Department a report that describes the applicable programs.

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall—

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

(B) determine the approximate annual expenditures for services for each applicable program attributable to green buildings;

(C) describe the intended market for each applicable program attributable to green buildings, including the—

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

(ii) beneficiaries who received services or information under the applicable program (if applicable and if data is readily available);

(D) estimate—

(i) the number of full-time employees who administer activities attributable to green buildings for each applicable program; and

(ii) the number of full-time equivalents (the salary of whom is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering activities attributable to green buildings for the applicable program;

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

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program attributable to green buildings, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

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

(c) RECOMMENDATIONS.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress a report that includes—

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

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

(A) the 2011 report of the Government Accountability Office entitled ''Federal Initiatives for the Nonfederal Sector Could Benefit from More Interagency Collaboration''; and

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

(d) ANALYSES.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall identify—

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

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

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

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

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

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

SEC. 1022. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

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

"SEC. 327. USE OF ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

''(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

SEC. 1023. WATERSENSE.

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

"SEC. 324B. WATERSENSE.

''(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

''(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations.

''(2) INCLUSIONS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use;

''(G) whole house humidifiers; and

''(H) water-efficient buildings or facilities.

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

''(1) establish—

''(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

''(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

''(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

''(3) preserve the integrity of the WaterSense label by—

''(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(B) overseeing WaterSense certifications made by third parties;

''(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

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

''(5) in revising a WaterSense specification—

''(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

''(B) solicit comments from interested parties and the public prior to any changes;

''(C) as appropriate, respond to comments submitted by interested parties and the public; and

''(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

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

''(c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public the production and relative market shares and savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

''(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

''(e) NO WARRANTY.—A WaterSense label shall not create an express or implied warranty.''.

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

''Sec. 324B. WaterSense.''.

Subtitle B—Appliances

SEC. 1101. EXTENDED PRODUCT SYSTEM REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

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

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

(A) a power converter; or

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

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

(A) offers variable speed or multispeed operation;

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

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

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

(4) QUALIFIED EXTENDED PRODUCT SYSTEM.—

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

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

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

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

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

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

(ii) was previously used prior to, and was placed back into service during, calendar year 2016 or 2017.

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

(c) QUALIFIED ENTITIES.—

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

(A) in the case of a qualified extended product system described in subsection (a)(4)(A), the purchaser of the qualified extended product that is installed; and

(B) in the case of a qualified extended product system described in subsection (a)(4)(B), the manufacturer of the commercial or industrial machinery or equipment that incorporated the extended product system into that machinery or equipment.

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

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

(B) a certification that includes demonstrated evidence—

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

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

(aa) that the qualified entity installed the qualified extended product system during the 2 fiscal years following the date of enactment of this Act;

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

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

(II) in the case of a qualified entity described in paragraph (1)(B), demonstrated evidence—

(aa) that the qualified extended product system meets the requirements of subsection (a)(4)(B); and

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

(d) AUTHORIZED AMOUNT OF REBATE.—

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

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

(i) the electric motor to which the qualified extended product system is attached; and

(ii) the electronic control; and

(B) $25.

(2) MAXIMUM AGGREGATE AMOUNT.—A qualified entity shall not be entitled to aggregate rebates under this section in excess of $25,000 per calendar year.

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

SEC. 1102. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term ''qualified energy efficient transformer'' means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term ''qualified energy inefficient transformer'' means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

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

(B)(i) was manufactured between January 1, 1985, and December 31, 2006, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(ii) was manufactured between January 1, 1990, and December 31, 2009, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

(3) QUALIFIED ENTITY.—The term ''qualified entity'' means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that fulfills the requirements of subsection (d).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

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

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

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

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

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

(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

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

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

(A) the qualified energy inefficient transformer; and

(B) the qualified energy efficient transformer; or

(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

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

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

SEC. 1103. STANDARDS FOR CERTAIN FURNACES.

Section 325(f)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(4)) is amended by adding at the end the following:

''(E) RESTRICTION ON FINAL RULE FOR RESIDENTIAL NON-WEATHERIZED GAS FURNACES AND MOBILE HOME FURNACES.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary shall not prescribe a final rule amending the efficiency standards for residential non-weatherized gas furnaces or mobile home furnaces until each of the following has occurred:

''(I) The Secretary convenes a representative advisory group of interested stakeholders, including the manufacturers, distributors, and contractors of residential non-weatherized gas furnaces and mobile home furnaces, home builders, building owners, energy efficiency advocates, natural gas utilities, electric utilities, and consumer groups.

''(II) Not later than 1 year after the date of enactment of this subparagraph, the advisory group described in subclause (I) completes an analysis of a nationwide requirement of a condensing furnace efficiency standard including—

''(aa) a complete analysis of current market trends regarding the transition of sales from non-condensing furnaces to condensing furnaces;

''(bb) the projected net loss in the industry of the present value of original equipment manufactured after adoption of the standard;

''(cc) the projected consumer payback period and life cycle cost savings after adoption of the standard;

''(dd) a determination of whether the standard is economically justified, based solely on the definition of energy under section 321; and

''(ee) other common economic principles.

''(III) The advisory group described in subclause (I) reviews the analysis and determines whether a nationwide requirement of a condensing furnace efficiency standard is technically feasible and economically justified.

''(IV) The final determination of the advisory group under subclause (III) is published in the Federal Register.

''(ii) AMENDED STANDARDS.—If the advisory group determines under clause (i)(III) that a nationwide requirement of a condensing furnace efficiency standard is not technically feasible and economically justified, the Secretary shall, not later than 180 days after the date on which the final determination of the advisory group is published in the Federal Register under clause (i)(IV), establish amended standards through the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990').''.

SEC. 1104. THIRD-PARTY CERTIFICATION UNDER ENERGY STAR PROGRAM.

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

''(e) THIRD-PARTY CERTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this subsection, the Administrator shall revise the certification requirements for the labeling of consumer, home, and office electronic products for program partners that have complied with all requirements of the Energy Star program for a period of at least 18 months.

''(2) ADMINISTRATION.—In the case of a program partner described in paragraph (1), the new requirements under paragraph (1)—

''(A) shall not require third-party certification for a product to be listed; but

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

''(3) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.

''(4) TERMINATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), an exemption from third-party certification provided to a program partner under paragraph (1) shall terminate if the program partner is found to have violated program requirements with respect to at least 2 separate models during a 2-year period.

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

SEC. 1105. ENERGY CONSERVATION STANDARDS FOR COMMERCIAL REFRIGERATION EQUIPMENT.

(a) DEADLINE.—The requirements of the final rule entitled ''Energy Conservation Program: Energy Conservation Standards for Commercial Refrigeration Equipment'' (79 Fed. Reg. 17725 (March 28, 2014)), shall take effect on January 1, 2020, for equipment covered by the final rule that—

(1) uses natural refrigerants with a global warming potential of 10 or less that are approved for use by the Environmental Protection Agency under the Significant New Alternatives Program;

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

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

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

(3) uses not more than 115 percent of the energy use allowed by applicable standards under Energy Star 3.0.

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

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

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

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

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

''(A) RELIANCE ON VOLUNTARY PROGRAMS.—For the purpose of periodic testing to verify compliance with energy conservation standards and Energy Star specifications established under sections 324A, 325, and 342 for covered products described in paragraphs (3), (4), (5), (9), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(1), the Secretary and the Administrator of the Environmental Protection Agency shall rely on testing conducted by voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

''(B) RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall initiate a negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990') to develop criteria that have consensus support for achieving recognition by the Secretary as an approved voluntary verification program.

''(ii) MINIMUM REQUIREMENTS.—The criteria developed under clause (i) shall, at a minimum, ensure that the voluntary verification program—

''(I) is nationally recognized;

''(II) is operated by a third party and not directly operated by a program participant;

''(III) satisfies any applicable elements of—

''(aa) International Organization for Standardization standard numbered 17025; and

''(bb) any other relevant International Organization for Standardization standards identified and agreed to through the negotiated rulemaking under clause (i);

''(IV) at least annually tests independently obtained products following the test procedures established under this title to verify the certified rating of a representative sample of products and equipment within the scope of the program;

''(V) maintains a publicly available list of all ratings of products subject to verification;

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

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

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

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

''(X) provides to the Secretary—

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

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

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

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

''(iv) REVISIONS.—

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

''(II) NONMAJOR REVISIONS.—

''(aa) IN GENERAL.—The Secretary may make all other nonmajor criteria revisions by initiating a direct final rule in accordance with section 553(b)(3)(B) of title 5, United States Code, on a determination published in the Federal Register that revisions to the criteria are necessary and that substantive opposition to the proposed revisions is not expected.

''(bb) CONDITIONS FOR EFFECTIVENESS.—If the Secretary does not receive adversarial comments with respect to the determination published under item (aa) during the 30-day-period following publication of that determination in the Federal Register, the direct final rule shall have the force and effect of law.

''(cc) WITHDRAWAL OF FINAL RULE.—Receipt of any adversarial comment with respect to the determination published under item (aa) shall require the Secretary to withdraw the direct final rule and publish—

''(AA) a notice of proposed rulemaking pursuant to section 553 of title 5, United States Code; or

''(BB) a notice of proposed rulemaking pursuant to section 553 of title 5, United States Code, that includes a determination that revisions to the criteria are necessary.

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall not require—

''(I) manufacturers to participate in a voluntary verification program described in subparagraph (A); or

''(II) participating manufacturers to provide information that has already been provided to the Secretary or the Administrator.

''(ii) LIST OF COVERED PRODUCTS.—The Secretary or the Administrator of the Environmental Protection Agency may maintain a publicly available list of covered products and equipment that distinguishes between products that are, and are not covered products and equipment verified through a voluntary verification program described in subparagraph (A);

''(iii) PERIODIC VERIFICATION TESTING.—

''(I) IN GENERAL.—The Secretary—

''(aa) shall not subject products or equipment that have been verification tested under a voluntary verification program described in subparagraph (A) to periodic verification testing that verifies the accuracy of the certified performance rating of the products or equipment; but

''(bb) may test products or equipment described in subclause (I) if the testing is necessary—

''(AA) to assess the overall performance of a voluntary verification program;

''(BB) to address specific performance issues;

''(CC) for use in updating test procedures and standards; or

''(DD) for other purposes consistent with this title.

''(II) ADDITIONAL TESTING.—The Secretary may subject products or equipment described in subclause (I) to periodic verification testing outside the restrictions of subclause (I)(bb), if agreed to during the rulemaking described in subparagraph (B)

''(D) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary or the Administrator of the Environmental Protection Agency to enforce compliance with any law.''.

SEC. 1107. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

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

(1) by striking the subparagraph designation and all that follows through ''The term'' and inserting the following:

''(A) EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

''(I) light-emitting diodes providing illumination;

''(II) organic light-emitting diodes providing illumination; or

''(III) ceiling fans using direct current motors.''.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

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

''(v) electric lights and lighting power supply circuits;''.

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

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

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking ''(19)'' and inserting ''(20)''.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking ''(19)'' each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting ''(20)''.

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

Subtitle C—Manufacturing

SEC. 1201. MANUFACTURING ENERGY EFFICIENCY.

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

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

(2) to establish a clear and consistent authority for industrial efficiency programs of the Department;

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

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

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

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

(b) FUTURE OF INDUSTRY PROGRAM.—

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

(2) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting before subparagraph (F) (as so redesignated) the following:

''(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(C) by inserting after paragraph (2) the following:

''(3) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means any business providing technology or services to improve the energy efficiency, water efficiency, power factor, or load management of a manufacturing site or other industrial process in an energy-intensive industry, or any utility operating under a utility energy service project.''.

(3) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) COORDINATION.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

''(B) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(D) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

''(E) identify opportunities for reducing greenhouse gas emissions; and

''(F) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(3) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) coordination activities by each industrial research and assessment center to leverage efforts with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities and energy service providers;

''(iii) the efforts of regional energy efficiency organizations; and

''(iv) the efforts of other industrial research and assessment centers.

''(4) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(5) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum extent practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).

''(6) ADVANCED MANUFACTURING STEERING COMMITTEE.—The Secretary shall establish an advisory steering committee to provide recommendations to the Secretary on planning and implementation of the Advanced Manufacturing Office of the Department of Energy.

''(7) EXPANSION OF TECHNICAL ASSISTANCE.—The Secretary shall expand the institution of higher education-based industrial research and assessment centers, working across Federal agencies as necessary—

''(A) to provide comparable assessment services to water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and

''(B) to equip the directors of the centers with the training and tools necessary to provide technical assistance on energy savings to the water and wastewater treatment facilities.''.

(c) SUSTAINABLE MANUFACTURING INITIATIVE.—

(1) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

''SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Office of Energy Efficiency and Renewable Energy, the Secretary, on the request of a manufacturer, shall conduct on-site technical assessments to identify opportunities for—

''(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

''(2) preventing pollution and minimizing waste;

''(3) improving efficient use of water in manufacturing processes;

''(4) conserving natural resources; and

''(5) achieving such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology, to accelerate adoption of new and existing technologies and processes that improve energy efficiency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the industrial efficiency programs of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial plants, reduce pollution, and conserve natural resources.''.

(2) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

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

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

(1) ENERGY MANAGEMENT SYSTEM.—The term ''energy management system'' means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, security, use, and consumption.

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

(A) receives funding from the Department;

(B) provides an in-depth assessment of small- and medium-size manufacturer plant sites to evaluate the facilities, services, and

manufacturing operations of the plant site; and

(C) identifies opportunities for potential savings for small- and medium-size manufacturer plant sites from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.

(3) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SMALL AND MEDIUM MANUFACTURERS.—The term ''small and medium manufacturers'' means manufacturing firms—

(A) classified in the North American Industry Classification System as any of sectors 31 through 33;

(B) with gross annual sales of less than $100,000,000;

(C) with fewer than 500 employees at the plant site; and

(D) with annual energy bills totaling more than $100,000 and less than $2,500,000.

(5) SMART MANUFACTURING.—The term ''smart manufacturing'' means advanced technologies in information, automation, monitoring, computation, sensing, modeling, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

(b) EXPANSION OF TECHNICAL ASSISTANCE PROGRAMS.—The Secretary shall expand the scope of technologies covered by the Industrial Assessment Centers of the Department—

(1) to include smart manufacturing technologies and practices; and

(2) to equip the directors of the Industrial Assessment Centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.

(c) FUNDING.—The Secretary shall use unobligated funds of the Department to carry out this section.

SEC. 1203. LEVERAGING SMART MANUFACTURING INFRASTRUCTURE AT NATIONAL LABORATORIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study on ways in which the Department can increase access to existing high-performance computing resources in the National Laboratories, particularly for small and medium manufacturers.

(2) INCLUSIONS.—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—

(A) focus on increasing access to the computing facilities of the National Laboratories; and

(B) ensure that—

(i) the information from the manufacturer is protected; and

(ii) the security of the National Laboratory facility is maintained.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

(b) ACTIONS FOR INCREASED ACCESS.—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.

Subtitle D—Vehicles

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the ''Vehicle Innovation Act of 2016''.

SEC. 1302. OBJECTIVES.

The objectives of this subtitle are—

(1) to establish a consistent and consolidated authority for the vehicle technology program at the Department;

(2) to develop United States technologies and practices that—

(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and

(B) reduce vehicle reliance on petroleum-based fuels;

(3) to support domestic research, development, engineering, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;

(4) to enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;

(5) to develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;

(6) to allow for greater consumer choice of vehicle technologies and fuels;

(7) shorten technology development and integration cycles in the vehicle industry;

(8) to ensure a proper balance and diversity of Federal investment in vehicle technologies; and

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

SEC. 1303. COORDINATION AND NONDUPLICATION.

The Secretary shall ensure, to the maximum extent practicable, that the activities authorized by this subtitle do not duplicate those of other programs within the Department or other relevant research agencies.

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for research, development, engineering, demonstration, and commercial application of vehicles and related technologies in the United States, including activities authorized under this subtitle—

(1) for fiscal year 2016, $313,567,000;

(2) for fiscal year 2017, $326,109,000;

(3) for fiscal year 2018, $339,154,000;

(4) for fiscal year 2019, $352,720,000; and

(5) for fiscal year 2020, $366,829,000.

SEC. 1305. REPORTING.

(a) TECHNOLOGIES DEVELOPED.—Not later than 18 months after the date of enactment of this Act and annually thereafter through 2020, the Secretary shall submit to Congress a report regarding the technologies developed as a result of the activities authorized by this subtitle, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether products relying on those technologies are manufactured in the United States.

(b) ADDITIONAL MATTERS.—At the end of each fiscal year through 2020, the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this Act, active industry participants, the status of public private partnerships, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

PART I—VEHICLE RESEARCH AND DEVELOPMENT

SEC. 1306. PROGRAM.

(a) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, engineering, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce or eliminate petroleum use and the emissions of the Nation's passenger and commercial vehicles, including activities in the areas of—

(1) electrification of vehicle systems;

(2) batteries, ultracapacitors, and other energy storage devices;

(3) power electronics;

(4) vehicle, component, and subsystem manufacturing technologies and processes;

(5) engine efficiency and combustion optimization;

(6) waste heat recovery;

(7) transmission and drivetrains;

(8) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure, including hydrogen energy storage to enable renewables and provide hydrogen for fuel and power;

(9) natural gas vehicle technologies;

(10) aerodynamics, rolling resistance (including tires and wheel assemblies), and accessory power loads of vehicles and associated equipment;

(11) vehicle weight reduction, including lightweighting materials and the development of manufacturing processes to fabricate, assemble, and use dissimilar materials;

(12) friction and wear reduction;

(13) engine and component durability;

(14) innovative propulsion systems;

(15) advanced boosting systems;

(16) hydraulic hybrid technologies;

(17) engine compatibility with and optimization for a variety of transportation fuels including natural gas and other liquid and gaseous fuels;

(18) predictive engineering, modeling, and simulation of vehicle and transportation systems;

(19) refueling and charging infrastructure for alternative fueled and electric or plug-in electric hybrid vehicles, including the unique challenges facing rural areas;

(20) gaseous fuels storage systems and system integration and optimization;

(21) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure;

(22) efficient use, substitution, and recycling of potentially critical materials in vehicles, including rare earth elements and precious metals, at risk of supply disruption;

(23) aftertreatment technologies;

(24) thermal management of battery systems;

(25) retrofitting advanced vehicle technologies to existing vehicles;

(26) development of common standards, specifications, and architectures for both transportation and stationary battery applications;

(27) advanced internal combustion engines;

(28) mild hybrid;

(29) engine down speeding;

(30) vehicle-to-vehicle, vehicle-to-pedestrian, and vehicle-to-infrastructure technologies; and

(31) other research areas as determined by the Secretary.

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

(1) hydrogen vehicle technologies, including fuel cells, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;

(2) multiple battery chemistries and novel energy storage devices, including nonchemical batteries and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;

(3) communication and connectivity among vehicles, infrastructure, and the electrical grid; and

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

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

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

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

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

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

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

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

(1) relevant programs within the Department, including—

(A) the Office of Energy Efficiency and Renewable Energy;

(B) the Office of Science;

(C) the Office of Electricity Delivery and Energy Reliability;

(D) the Office of Fossil Energy;

(E) the Advanced Research Projects Agency—Energy; and

(F) other offices as determined by the Secretary; and

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

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

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

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

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

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

(h) SECONDARY USE APPLICATIONS.—

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

(A) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195);

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

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

(D) evaluates innovative approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

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

(ii) identifies any barriers to the development of those markets; and

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

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

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

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(3) SECONDARY USE DEMONSTRATION.—

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

(B) PUBLICATION OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

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

(ii) solicit applications for funding for demonstration projects.

(C) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

SEC. 1307. MANUFACTURING.

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

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

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

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

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

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

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

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

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

(9) to produce permanent magnets for advanced vehicles.

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

SEC. 1308. PROGRAM.

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

(1) engine efficiency and combustion research;

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

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

(4) waste heat recovery and conversion;

(5) improved aerodynamics and tire rolling resistance;

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

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

(8) drivetrain optimization;

(9) friction and wear reduction;

(10) engine idle and parasitic energy loss reduction;

(11) electrification of accessory loads;

(12) onboard sensing and communications technologies;

(13) advanced lightweighting materials and vehicle designs;

(14) increasing load capacity per vehicle;

(15) thermal management of battery systems;

(16) recharging infrastructure;

(17) compressed natural gas infrastructure;

(18) advanced internal combustion engines;

(19) complete vehicle and power pack modeling, simulation, and testing;

(20) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure, including hydrogen energy storage to enable renewables and provide hydrogen for fuel and power;

(21) retrofitting advanced technologies onto existing truck fleets;

(22) advanced boosting systems;

(23) engine down speeding; and

(24) integration of these and other advanced systems onto a single truck and trailer platform.

SEC. 1309. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall conduct a competitive grant program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms, including a combination of technologies listed in section 1308.

(b) APPLICANT TEAMS.—Applicant teams may be comprised of truck and trailer manufacturers, engine and component manufacturers, fleet customers, university researchers, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

SEC. 1310. TECHNOLOGY TESTING AND METRICS.

The Secretary, in coordination with the partners of the interagency research program described in section 1308—

(1) shall develop standard testing procedures and technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;

(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on miles per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and

(3) may construct heavy duty truck and bus testing facilities.

SEC. 1311. NONROAD SYSTEMS PILOT PROGRAM.

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

PART III—ADMINISTRATION

SEC. 1312. REPEAL OF EXISTING AUTHORITIES.

(a) IN GENERAL.—Sections 706, 711, 712, and 933 of the Energy Policy Act of 2005 (42 U.S.C. 16051, 16061, 16062, 16233) are repealed.

(b) ENERGY EFFICIENCY.—Section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''vehicles, buildings,'' and inserting ''buildings''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(2) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) in paragraph (3) (as so redesignated), by striking ''(a)(2)(D)'' and inserting ''(a)(2)(C)''.

SEC. 1313. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2016'' and inserting ''2021''.

SEC. 1314. GASEOUS FUEL DUAL FUELED AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—

''(1) MODEL YEARS 1993 THROUGH 2016.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

''(A) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

''(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

''(2) SUBSEQUENT MODEL YEARS.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model year 2017 or any subsequent model year, the Administrator shall calculate fuel economy in accordance with section 600.510–12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c).''.

Subtitle E—Short Title

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Portman-Shaheen Energy Efficiency Improvement Act of 2016''.

Subtitle F—Housing

SEC. 1501. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) COVERED LOAN.—The term ''covered loan'' means a loan secured by a home that is insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.).

(2) HOMEOWNER.—The term ''homeowner'' means the mortgagor under a covered loan.

(3) MORTGAGEE.—The term ''mortgagee'' means an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated.

SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall, in consultation with the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in subsections (b) and (c).

(b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.—

(1) IN GENERAL.—The enhanced loan eligibility requirements under subsection (a) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the homeowner, the Federal Housing Administration and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses.

(2) USE AS OFFSET.—To the extent that the Federal Housing Administration uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes—

(A) the expected energy cost savings shall be included as an offset to these expenses; and

(B) the Federal Housing Administration may not use the offset described in subparagraph (A) to qualify a loan applicant for insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) with respect to a loan that would not otherwise meet the requirements for such insurance.

(3) TYPES OF ENERGY COSTS.—Energy costs to be assessed under this subsection shall include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(c) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

(1) IN GENERAL.—The guidelines to be issued under subsection (a) shall include instructions for the Federal Housing Administration to calculate estimated energy cost savings using—

(A) the energy efficiency report;

(B) an estimate of baseline average energy costs; and

(C) additional sources of information as determined by the Secretary of Housing and Urban Development.

(2) REPORT REQUIREMENTS.—For the purposes of paragraph (1), an energy efficiency report shall—

(A) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;

(B) be prepared in accordance with the guidelines to be issued under subsection (a); and

(C) be prepared—

(i) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as ''HERS'') by an individual certified by the Residential Energy Service Network, unless the Secretary of Housing and Urban Development finds that the use of HERS does not further the purposes of this subtitle;

(ii) in accordance with the Alaska Housing Finance Corporation energy rating system by an individual certified by the Alaska Housing Finance Corporation as an authorized Energy Rater; or

(iii) by other methods approved by the Secretary of Housing and Urban Development, in consultation with the Secretary and the advisory group established in section 1505(c), for use under this subtitle, which shall include a third-party quality assurance procedure.

(3) USE BY APPRAISER.—If an energy efficiency report is used under subsection (b), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(d) PRICING OF LOANS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of the loans.

(2) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates significant additional default risk or prepayment risk associated with the loans, the Federal Housing Administration shall not impose material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(e) LIMITATIONS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of those loans.

(2) PROHIBITED ACTIONS.—The Federal Housing Administration shall not—

(A) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this section; or

(B) impose greater buy back requirements, credit overlays, or insurance requirements, including private mortgage insurance, on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(f) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the enhanced loan eligibility requirements required under this section shall be implemented by the Federal Housing Administration to—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

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

(3) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of section 1502(c)(2); and

(2) in consultation with the Secretary, issue guidelines for the Federal Housing Administration to determine the estimated energy savings under subsection (c) for properties with an energy efficiency report.

(b) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under subsection (a) shall include—

(1) a requirement that if an energy efficiency report that meets the requirements of section 1502(c)(2) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Federal Housing Administration to determine the estimated energy savings of the subject property; and

(2) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or the Federal Housing Administration for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under subsection (a).

(c) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(1) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under subsection (a), and the estimated energy costs for the subject property based upon the energy efficiency report.

(2) DURATION OF ENERGY SAVINGS.—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(3) PRESENT VALUE OF ENERGY SAVINGS.—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under subsection (a).

(d) ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(1) in paragraph (2), by striking ''; and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy-saving improvements or features of a property, such as—

''(A) labels or ratings of buildings;

''(B) installed appliances, measures, systems or technologies;

''(C) blueprints;

''(D) construction costs;

''(E) financial or other incentives regarding energy-efficient components and systems installed in a property;

''(F) utility bills;

''(G) energy consumption and benchmarking data; and

''(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.''.

(e) TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: '', or any real property on which the appraiser makes adjustments using an energy efficiency report''; and

(2) in paragraph (2), by inserting after before the period at the end the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report''.

(f) PROTECTIONS.—

(1) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under subsection (a) shall include such limitations and conditions as determined by the Secretary of Housing and Urban Development to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the valuation of any subject property that is used to determine a loan amount.

(2) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this subtitle, the Secretary of Housing and Urban Development may modify or apply additional exceptions to the approach described in subsection (b), where the Secretary of Housing and Urban Development finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(g) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Federal Housing Administration shall implement the guidelines required under this section, which shall—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

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

SEC. 1504. MONITORING.

Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subtitle, and every year thereafter, the Federal Housing Administration shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the Federal Housing Administration for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements;

(2) includes the default rates and rates of foreclosures for each category of loans; and

(3) describes the risk premium, if any, that the Federal Housing Administration has priced into covered loans for which there was an energy efficiency report.

SEC. 1505. RULEMAKING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prescribe regulations to carry out this subtitle, in consultation with the Secretary and the advisory group established in subsection (c), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary of Housing and Urban Development determines are necessary or proper to effectuate the purposes of this subtitle, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the Secretary of Housing and Urban Development to require any homeowner or other party to provide energy efficiency reports, energy efficiency labels, or other disclosures to the Federal Housing Administration or to a mortgagee.

(c) ADVISORY GROUP.—To assist in carrying out this subtitle, the Secretary of Housing and Urban Development shall establish an advisory group, consisting of individuals representing the interests of—

(1) mortgage lenders;

(2) appraisers;

(3) energy raters and residential energy consumption experts;

(4) energy efficiency organizations;

(5) real estate agents;

(6) home builders and remodelers;

(7) consumer advocates;

(8) State energy officials; and

(9) others as determined by the Secretary of Housing and Urban Development.

SEC. 1506. ADDITIONAL STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall reconvene the advisory group established in section 1505(c), in addition to water and locational efficiency experts, to advise the Secretary of Housing and Urban Development on the implementation of the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

(b) RECOMMENDATIONS.—The advisory group established in section 1505(c) shall provide recommendations to the Secretary of Housing and Urban Development on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

TITLE II—INFRASTRUCTURE

Subtitle A—Cybersecurity

SEC. 2001. CYBERSECURITY THREATS.

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

"SEC. 224. CYBERSECURITY THREATS.

''(a) DEFINITIONS.—In this section:

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

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

''(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

''(A) IN GENERAL.—The term 'critical electric infrastructure information' means information related to critical electric infrastructure, or proposed critical electric infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2).

''(B) INCLUSIONS.—The term 'critical electric infrastructure information' includes information that qualifies as critical energy infrastructure information under regulations promulgated by the Commission.

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

''(5) ELECTRIC RELIABILITY ORGANIZATION.—The term 'Electric Reliability Organization' has the meaning given the term in section 215.

''(6) REGIONAL ENTITY.—The term 'regional entity' has the meaning given the term in section 215.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) EMERGENCY AUTHORITY OF SECRETARY.—

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

''(2) WRITTEN EXPLANATION.—As soon as practicable after notifying the Secretary under paragraph (1), the President shall—

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

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

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

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

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

''(B) the Electric Reliability Organization;

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

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

''(5) COST RECOVERY.—

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

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

''(i) shall be just and reasonable; and

''(ii) shall not be unduly discriminatory or preferential.

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

''(1) provides to interested persons an opportunity to submit written data, recommendations, and arguments; and

''(2) affirms, amends, or repeals the order, subject to the condition that an amended order shall not exceed a total duration of 90 days.

''(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE.—

''(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE.—Critical electric infrastructure information—

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

''(B) shall not be made available by any State, political subdivision, or tribal authority pursuant to any State, political subdivision, or tribal law requiring disclosure of information or records.

''(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, shall promulgate such regulations and issue such orders as necessary—

''(A) to designate critical electric infrastructure information;

''(B) to prohibit the unauthorized disclosure of critical electric infrastructure information; and

''(C) to ensure there are appropriate sanctions in place for Commissioners, officers, employees, or agents of the Commission who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section;

''(3) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission shall take into consideration the role of State commissions in—

''(A) reviewing the prudence and cost of investments;

''(B) determining the rates and terms of conditions for electric services; and

''(C) ensuring the safety and reliability of the bulk-power system and distribution facilities within the respective jurisdictions of the State commissions.

''(4) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section requires a person or entity in possession of critical electric infrastructure information to share the information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

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

SEC. 2002. ENHANCED GRID SECURITY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ES–ISAC.—The term ''ES–ISAC'' means the Electricity Sector Information Sharing and Analysis Center.

(3) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

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

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

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

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

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

(B) collaborating with—

(i) critical infrastructure owners and operators; and

(ii) as appropriate—

(I) independent regulatory agencies; and

(II) State, local, tribal and territorial entities;

(C) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities;

(D) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives;

(E) providing, supporting, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and

(F) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical infrastructure information.

(c) CYBERSECURITY FOR THE ENERGY SECTOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal agencies, the energy sector, the States, and other stakeholders, shall carry out a program—

(A) to develop advanced cybersecurity applications and technologies for the energy sector—

(i) to identify and mitigate vulnerabilities, including—

(I) dependencies on other critical infrastructure; and

(II) impacts from weather and fuel supply; and

(ii) to advance the security of field devices and third-party control systems, including—

(I) systems for generation, transmission, distribution, end use, and market functions;

(II) specific electric grid elements including advanced metering, demand response, distributed generation, and electricity storage;

(III) forensic analysis of infected systems; and

(IV) secure communications;

(B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture;

(C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies; and

(D) to develop workforce development curricula for energy sector-related cybersecurity.

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

(d) ENERGY SECTOR COMPONENT TESTING FOR CYBERRESILIENCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a program—

(A) to establish a cybertesting and mitigation program to identify vulnerabilities of energy sector supply chain products to known threats;

(B) to oversee third-party cybertesting; and

(C) to develop procurement guidelines for energy sector supply chain components.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2017 through 2025.

(e) ENERGY SECTOR OPERATIONAL SUPPORT FOR CYBERRESILIENCE PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a program—

(A) to enhance and periodically test—

(i) the emergency response capabilities of the Department; and

(ii) the coordination of the Department with other agencies, the National Laboratories, and private industry;

(B) to expand cooperation of the Department with the intelligence communities for energy sector-related threat collection and analysis;

(C) to enhance the tools of the Department and ES–ISAC for monitoring the status of the energy sector;

(D) to expand industry participation in ES–ISAC; and

(E) to provide technical assistance to small electric utilities for purposes of assessing cybermaturity level.

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

(f) MODELING AND ASSESSING ENERGY INFRASTRUCTURE RISK.—

(1) IN GENERAL.—The Secretary shall develop an advanced energy security program to secure energy networks, including electric, natural gas, and oil exploration, transmission, and delivery.

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

(3) ELIGIBLE ACTIVITIES.—In carrying out the program developed under paragraph (1), the Secretary may—

(A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;

(B) provide modeling at the national level to predict impacts from natural or human-made events;

(C) develop a maturity model for physical security and cybersecurity;

(D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;

(E) conduct research hardening solutions for critical components of the electric grid;

(F) conduct research mitigation and recovery solutions for critical components of the electric grid; and

(G) provide technical assistance to States and other entities for standards and risk analysis.

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

(g) LEVERAGING EXISTING PROGRAMS.—The programs established under this section shall be carried out consistent with—

(1) the report of the Department entitled ''Roadmap to Achieve Energy Delivery Systems Cybersecurity'' and dated 2011;

(2) existing programs of the Department; and

(3) any associated strategic framework that links together academic and National Laboratory researchers, electric utilities, manufacturers, and any other relevant private industry organizations, including the Electricity Sub-sector Coordinating Council.

(h) STUDY.—

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

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

Subtitle B—Strategic Petroleum Reserve

SEC. 2101. STRATEGIC PETROLEUM RESERVE MODERNIZATION.

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

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

''(b) OBLIGATION OF FUNDS FOR THE ACQUISITION, TRANSPORTATION, AND INJECTION OF PETROLEUM PRODUCTS INTO SPR AND FOR OTHER PURPOSES.—

''(1) PURPOSES.—Amounts in the Account may be obligated by the Secretary of Energy for—

''(A) the acquisition, transportation, and injection of petroleum products into the Reserve;

''(B) test sales of petroleum products from the Reserve;

''(C) the drawdown, sale, and delivery of petroleum products from the Reserve;

''(D) the construction, maintenance, repair, and replacement of storage facilities and related facilities; and

''(E) carrying out non-Reserve projects needed to enhance the energy security of the United States by increasing the resilience, reliability, safety, and security of energy supply, transmission, storage, or distribution infrastructure.

''(2) AMOUNTS.—Amounts in the Account may be obligated by the Secretary of Energy for purposes of paragraph (1), in the case of any fiscal year—

''(A) subject to section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in such aggregate amounts as may be appropriated in advance in appropriations Acts; and

''(B) notwithstanding section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in an aggregate amount equal to the aggregate amount of the receipts to the United States from the sale of petroleum products in any drawdown and a distribution of the Reserve under section 161, including—

''(i) a drawdown and distribution carried out under subsection (g) of that section; or

''(ii) from the sale of petroleum products under section 160(f).

''(3) AVAILABILITY OF FUNDS.—Funds available to the Secretary of Energy for obligation under this subsection may remain available without fiscal year limitation.''.

(c) DEFINITION OF RELATED FACILITY.—Section 152(8) of the Energy Policy and Conservation Act (42 U.S.C. 6232(8)) is amended by inserting ''terminals,'' after ''reservoirs,''.

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

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

''(d) INCREASE; LIMITATION.—

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

''(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $5,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.''.

Subtitle C—Trade

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

(a) DECISION DEADLINE.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the Maritime Administration to site, construct, expand, or operate liquefied natural gas export facilities, the Secretary shall

issue a final decision on any application for the authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) not later than 45 days after the later of—

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

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be considered concluded when the lead agency—

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

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

(3) determines that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations.

(c) JUDICIAL REVIEW.—

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

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

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

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

(3) EXPEDITED CONSIDERATION.—The Court shall—

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

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

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

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

(B) the provisions of this section shall apply.

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

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

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

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

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

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

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

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

SEC. 2203. ENERGY DATA COLLABORATION.

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

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

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

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

(b) PERIODIC UPDATES.—The Administrator shall periodically submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an update on—

(1) the extent to which energy data is being shared under subsection (a); and

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

Subtitle D—Electricity and Energy Storage

SEC. 2301. GRID STORAGE PROGRAM.

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

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

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

(2) power conversion technologies research;

(3) developing—

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

(B) validation and testing techniques;

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

(5) device development that builds on results from research described in paragraphs (1), (2), and (4), including combinations of power electronics, advanced optimizing controls, and energy storage as a general purpose element of the electric grid;

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

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

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

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2017 through 2026.

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

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

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

(a) GRID ARCHITECTURE AND SCENARIO DEVELOPMENT.—

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

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

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

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

(B) if the Secretary makes a determination that additional standards are necessary under subparagraph (A), make recommendations for additional standards, including, as may be appropriate, to the Electric Reliability Organization under section 215 of the Federal Power Act (16 U.S.C. 824o).

(b) MODELING.—Subject to subsection (c), the Secretary shall—

(1) conduct modeling based on the scenarios developed under subsection (a); and

(2) analyze and evaluate the technical and financial impacts of the models to assist States, utilities, and other stakeholders in—

(A) enhancing strategic planning efforts;

(B) avoiding stranded costs; and

(C) maximizing the cost-effectiveness of future grid-related investments.

(c) INPUT.—The Secretary shall develop the scenarios and conduct the modeling and analysis under subsections (a) and (b) with participation or input, as appropriate, from—

(1) the National Laboratories;

(2) States;

(3) State regulatory authorities;

(4) transmission organizations;

(5) representatives of the electric industry;

(6) academic institutions;

(7) independent research institutes; and

(8) other entities.

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

(a) DEFINITIONS.—In this section:

(1) HYBRID MICRO-GRID SYSTEM.—The term ''hybrid micro-grid system'' means a standalone electrical system that—

(A) is comprised of conventional generation and at least 1 alternative energy resource; and

(B) may use grid-scale energy storage.

(2) ISOLATED COMMUNITY.—The term ''isolated community'' means a community that is powered by a stand-alone electric generation and distribution system without the economic and reliability benefits of connection to a regional electric grid.

(3) MICRO-GRID SYSTEM.—The term ''micro-grid system'' means a standalone electrical system that uses grid-scale energy storage.

(4) STRATEGY.—The term ''strategy'' means the strategy developed pursuant to subsection (b)(2)(B).

(b) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program to promote the development of—

(A) hybrid micro-grid systems for isolated communities; and

(B) micro-grid systems to increase the resilience of critical infrastructure.

(2) PHASES.—The program established under paragraph (1) shall be divided into the following phases:

(A) Phase I, which shall consist of the development of a feasibility assessment for—

(i) hybrid micro-grid systems in isolated communities; and

(ii) micro-grid systems to enhance the resilience of critical infrastructure.

(B) Phase II, which shall consist of the development of an implementation strategy, in accordance with paragraph (3), to promote the development of hybrid micro-grid systems for isolated communities, particularly for those communities exposed to extreme weather conditions and high energy costs, including electricity, space heating and cooling, and transportation.

(C) Phase III, which shall be carried out in parallel with Phase II and consist of the development of an implementation strategy to promote the development of micro-grid systems that increase the resilience of critical infrastructure.

(D) Phase IV, which shall consist of cost-shared demonstration projects, based upon the strategies developed under subparagraph (B) that include the development of physical and cybersecurity plans to take appropriate measures to protect and secure the electric grid.

(E) Phase V, which shall establish a benefits analysis plan to help inform regulators, policymakers, and industry stakeholders about the affordability, environmental and resilience benefits associated with Phases II, III and IV.

(3) REQUIREMENTS FOR STRATEGY.—In developing the strategy under paragraph (2)(B), the Secretary shall consider—

(A) establishing future targets for the economic displacement of conventional generation using hybrid micro-grid systems, including displacement of conventional generation used for electric power generation, heating and cooling, and transportation;

(B) the potential for renewable resources, including wind, solar, and hydropower, to be integrated into a hybrid micro-grid system;

(C) opportunities for improving the efficiency of existing hybrid micro-grid systems;

(D) the capacity of the local workforce to operate, maintain, and repair a hybrid micro-grid system;

(E) opportunities to develop the capacity of the local workforce to operate, maintain, and repair a hybrid micro-grid system;

(F) leveraging existing capacity within local or regional research organizations, such as organizations based at institutions of higher education, to support development of hybrid micro-grid systems, including by testing novel components and systems prior to field deployment;

(G) the need for basic infrastructure to develop, deploy, and sustain a hybrid micro-grid system;

(H) input of traditional knowledge from local leaders of isolated communities in the development of a hybrid micro-grid system;

(I) the impact of hybrid micro-grid systems on defense, homeland security, economic development, and environmental interests;

(J) opportunities to leverage existing interagency coordination efforts and recommendations for new interagency coordination efforts to minimize unnecessary overhead, mobilization, and other project costs; and

(K) any other criteria the Secretary determines appropriate.

(c) COLLABORATION.—The program established under subsection (b)(1) shall be carried out in collaboration with relevant stakeholders, including, as appropriate—

(1) States;

(2) Indian tribes;

(3) regional entities and regulators;

(4) units of local government;

(5) institutions of higher education; and

(6) private sector entities.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the efforts to implement the program established under subsection (b)(1) and the status of the strategy developed under subsection (b)(2)(B).

SEC. 2304. VOLUNTARY MODEL PATHWAYS.

(a) ESTABLISHMENT OF VOLUNTARY MODEL PATHWAYS.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate the development of voluntary model pathways for modernizing the electric grid through a collaborative, public-private effort that—

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

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

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

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

(2) OBJECTIVES.—The pathways established under paragraph (1) shall facilitate achievement of the following objectives:

(A) Near real-time situational awareness of the electric system.

(B) Data visualization.

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

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

(E) Increased innovation.

(F) Greater consumer empowerment.

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

(H) Improved—

(i) integration of distributed energy resources;

(ii) interoperability of the electric system; and

(iii) predictive modeling and capacity forecasting.

(3) STEERING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a steering committee to facilitate the development of the pathways under paragraph (1), to be composed of members appointed by the Secretary, consisting of persons with appropriate expertise representing a diverse range of interests in the public, private, and academic sectors, including representatives of—

(A) the Smart Grid Task Force; and

(B) the Smart Grid Advisory Committee.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States, Indian tribes, or units of local government to adopt 1 or more elements of the pathways developed under subsection (a)(1).

SEC. 2305. PERFORMANCE METRICS FOR ELECTRICITY INFRASTRUCTURE PROVIDERS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(1) an evaluation of the performance of the electric grid as of the date of the report; and

(2) a description of the quantified costs and benefits associated with the changes evaluated under the scenarios developed under section 2302.

(b) CONSIDERATIONS FOR DEVELOPMENT OF METRICS.—In developing metrics for evaluating and quantifying the electric grid under subsection (a), the Secretary shall consider—

(1) standard methodologies for calculating improvements or deteriorations in the performance metrics, such as reliability, grid efficiency, power quality, consumer satisfaction, sustainability, and financial incentives;

(2) standard methodologies for calculating value to ratepayers, including broad economic and related impacts from improvements to the performance metrics;

(3) appropriate ownership and operating roles for electric utilities that would enable improved performance through the adoption of emerging, commercially available or advanced grid technologies or solutions, including—

(A) multicustomer micro-grids;

(B) distributed energy resources;

(C) energy storage;

(D) electric vehicles;

(E) electric vehicle charging infrastructure;

(F) integrated information and communications systems;

(G) transactive energy systems; and

(H) advanced demand management systems; and

(4) with respect to States, the role of the grid operator in enabling a robust future electric system to ensure that—

(A) electric utilities remain financially viable;

(B) electric utilities make the needed investments that ensure a reliable, secure, and resilient grid; and

(C) costs incurred to transform to an integrated grid are allocated and recovered responsibly, efficiently, and equitably.

SEC. 2306. STATE AND REGIONAL ELECTRICITY DISTRIBUTION PLANNING.

(a) IN GENERAL.—Upon the request of a State or regional organization, the Secretary shall partner with States and regional organizations to facilitate the development of State and regional electricity distribution plans by—

(1) conducting a resource assessment and analysis of future demand and distribution requirements; and

(2) developing open source tools for State and regional planning and operations.

(b) RISK AND SECURITY ANALYSIS.—The assessment under subsection (a)(1) shall include—

(1) the evaluation of the physical and cybersecurity needs of an advanced distribution management system and the integration of distributed energy resources; and

(2) advanced use of grid architecture to analyze risks in an all-hazards approach that includes communications infrastructure, control systems architecture, and power systems architecture.

(c) TECHNICAL ASSISTANCE.—For the purpose of developing State and regional electricity distribution plans, the Secretary shall provide technical assistance to—

(1) States;

(2) regional reliability entities; and

(3) other distribution asset owners and operators.

SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out sections 2302 through 2307 $200,000,000 for each of fiscal years 2017 through 2026.

SEC. 2308. ELECTRIC TRANSMISSION INFRASTRUCTURE PERMITTING.

(a) INTERAGENCY RAPID RESPONSE TEAM FOR TRANSMISSION.—

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

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

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

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

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

(A) the Federal Energy Regulatory Commission;

(B) the Department;

(C) the Department of the Interior;

(D) the Department of Defense;

(E) the Department of Agriculture;

(F) the Council on Environmental Quality;

(G) the Department of Commerce;

(H) the Advisory Council on Historic Preservation; and

(I) the Environmental Protection Agency.

(4) DUTIES.—The Team shall—

(A) facilitate coordination and unified environmental documentation among electric transmission infrastructure project applicants, Federal agencies, States, and Indian tribes involved in the siting and permitting process;

(B) establish clear timelines for the review and coordination of electric transmission infrastructure projects by the applicable agencies;

(C) ensure that each electric transmission infrastructure project is posted on the Federal permitting transmission tracking system known as ''e-Trans'', including information on the status and anticipated completion date of each project; and

(D) regularly notify all participating members of the Team involved in any specific permit of—

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

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

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

(6) USE OF DATA BY OMB.—Using data provided by the Team, the Director of the Office of Management and Budget shall prioritize inclusion of individual electric transmission infrastructure projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(b) TRANSMISSION OMBUDSPERSON.—

(1) ESTABLISHMENT.—To enhance and ensure the reliability of the electric grid, there is established within the Council on Environmental Quality the position of Transmission Ombudsperson (referred to in this subsection as the ''Ombudsperson''), to provide a unified point of contact for—

(A) resolving interagency or intra-agency issues or delays with respect to electric transmission infrastructure permits; and

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

(2) DUTIES.—The Ombudsperson shall—

(A) establish a process for—

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

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

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

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

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior, with respect to public lands (as defined in section 103(e) of the Federal Land Policy and Management Act (43 U.S.C. 1702(e)), and the Secretary of Agriculture, with respect to National Forest System land, shall provide for continuity of the existing use and occupancy for the transmission of electric energy by any Federal department or agency granted across public lands or National Forest System land.

(2) AGREEMENTS.—The Secretary of the Interior or the Secretary of Agriculture, as applicable, within 30 days after receiving a request from the Federal department or agency administering the electric energy transmission facilities, shall, in consultation with that department or agency, initiate agreements regarding the use and occupancy or right-of-way (including vegetation management agreements, where applicable).

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

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

(a) DEFINITIONS.—In this section:

(1) DISTRIBUTED ENERGY RESOURCE.—The term ''distributed energy resource'' means an electricity supply resource that, as permitted by State law—

(A)(i) is interconnected to the electric system operated by a transmission organization at or below 69kV; and

(ii) is subject to dispatch by the transmission organization; and

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

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

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

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

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

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

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

(b) REPORT.—

(1) NOTICE.—Not later than 14 days after the date of enactment of this section, the Commission shall submit to each transmission organization notice that the transmission organization is required to file with the Commission a report in accordance with paragraph (2).

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

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

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

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

(C) identifies—

(i) over the short- and long-term periods in the planning cycle of the transmission organization, barriers to the deployment to the transmission organization of distributed energy resources and micro-grid systems; and

(ii) potential changes to the operational requirements for, or charges associated with, the interconnection of distributed energy resources and micro-grid systems to the transmission organization that would reduce the barriers identified under clause (i).

SEC. 2310. NET METERING STUDY GUIDANCE.

Title XVIII of Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1122) is amended by adding at the end the following:

''SEC. 1841. NET ENERGY METERING STUDY.

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

''(1) issue guidance on criteria required to be included in studies of net metering conducted by the Department; and

''(2) undertake a study of net energy metering.

''(b) REQUIREMENTS AND CONTENTS.—The model guidance issued under subsection (a)

shall clarify without prejudice to other study criteria that any study of net energy metering, including the study conducted by the Department under subsection (a) shall—

''(1) be publicly available; and

''(2) assess benefits and costs of net energy metering, including—

''(A) load data, including hourly profiles;

''(B) distributed generation production data;

''(C) best available technology, including inverter capability; and

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

''(i) environmental benefits;

''(ii) changes in electric system reliability;

''(iii) changes in peak power requirements;

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

''(v) changes in power quality;

''(vi) changes in land-use effects;

''(vii) changes in right-of-way acquisition costs;

''(viii) changes in vulnerability to terrorism; and

''(ix) changes in infrastructure resilience.''.

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

(a) DEFINITIONS.—In this section:

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

(2) WASTE HEAT TO POWER SYSTEM.—

(A) IN GENERAL.—The term ''waste heat to power system'' means a system that generates electricity through the recovery of waste energy.

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

(3) OTHER TERMS.—

(A) PURPA.—The terms ''electric consumer'', ''electric utility'', ''interconnection service'', ''nonregulated electric utility'', and ''State regulatory authority'' have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms ''combined heat and power system'' and ''waste energy'' have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

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

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

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

Subtitle E—Computing

SEC. 2401. EXASCALE COMPUTER RESEARCH PROGRAM.

(a) RENAMING OF ACT.—

(1) IN GENERAL.—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108–423) is amended by striking ''Department of Energy High-End Computing Revitalization Act of 2004'' and inserting ''Exascale Computing Act of 2016''.

(2) CONFORMING AMENDMENT.—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking ''Department of Energy High-End Computing Revitalization Act of 2004'' and inserting ''Exascale Computing Act of 2016''.

(b) DEFINITIONS.—Section 2 of the Exascale Computing Act of 2016 (15 U.S.C. 5541) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

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

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

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

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

(c) DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Section 3 of the Exascale Computing Act of 2016 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking ''program'' and inserting ''coordinated program across the Department'';

(2) in subsection (b)(2), by striking '', which may'' and all that follows through ''architectures''; and

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

''(d) EXASCALE COMPUTING PROGRAM.—

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

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—In carrying out the Program, the Secretary shall—

''(i) establish 2 or more National Laboratory partnerships with industry partners and institutions of higher education for the research and development of 2 or more exascale computing architectures across all applicable organizations of the Department; and

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

''(B) SELECTION OF PARTNERS.—The Secretary shall select members for the partnerships with the computing facilities of the Department under subparagraph (A) through a competitive, peer-review process.

''(3) CODESIGN AND APPLICATION DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary shall carry out the Program through an integration of applications, computer science, applied mathematics, and computer hardware architecture using the partnerships established pursuant to paragraph (2) to ensure that, to the maximum extent practicable, 2 or more exascale computing machine architectures are capable of solving Department target applications and broader scientific problems.

''(B) REPORT.—The Secretary shall submit to Congress a report on how the integration under subparagraph (A) is furthering application science data and computational workloads across application interests, including national security, material science, physical science, cybersecurity, biological science, the Materials Genome and BRAIN Initiatives of the President, advanced manufacturing, and the national electric grid.

''(4) PROJECT REVIEW.—

''(A) IN GENERAL.—The exascale architectures developed pursuant to partnerships established pursuant to paragraph (2) shall be reviewed through a project review process.

''(B) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report on—

''(i) the results of the review conducted under subparagraph (A); and

''(ii) the coordination and management of the Program to ensure an integrated research program across the Department.

''(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary, in consultation with the members of the partnerships established pursuant to paragraph (2), shall submit to Congress a report that describes funding for the Program as a whole by functional element of the Department and critical milestones.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the Exascale Computing Act of 2016 (15 U.S.C. 5543) is amended—

(1) by striking ''this Act'' and inserting ''section 3(d)''; and

(2) by striking paragraphs (1) through (3) and inserting the following:

''(1) $272,000,000 for fiscal year 2016;

''(2) $340,000,000 for fiscal year 2017; and

''(3) $360,000,000 for fiscal year 2018.''.

TITLE III—SUPPLY

Subtitle A—Renewables

PART I—HYDROELECTRIC

SEC. 3001. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower resources that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking ''the following amounts'' and all that follows through paragraph (3) and inserting ''not less than 15 percent in fiscal year 2016 and each fiscal year thereafter shall be renewable energy.'' ; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means energy produced from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.''.

(c) LICENSES FOR CONSTRUCTION.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended, in the first proviso, by striking ''deem'' and inserting ''determine to be''.

(d) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking ''three'' and inserting ''4''; and

(2) in subsection (b)—

(A) by striking ''Commission may extend the period of a preliminary permit once for not more than 2 additional years beyond the 3 years'' and inserting the following: ''Commission may—

''(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) after the end of an extension period granted under paragraph (1), issue an additional permit to the permittee if the Commission determines that there are extraordinary circumstances that warrant the issuance of the additional permit.''.

(e) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking ''once but not longer than two additional years'' and inserting ''for not more than 8 additional years,''.

(f) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking ''(e) Except'' and inserting the following:

''(e) LICENSE TERM ON RELICENSING.—

''(1) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider project-related investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.''.

(g) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

(h) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''deems'' and inserting ''determines'';

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''determined to be necessary'' before ''by the Secretary'';

(C) by striking paragraph (4); and

(D) by striking paragraph (5);

(2) in subsection (b)—

(A) by striking paragraph (4); and

(B) by striking paragraph (5); and

(3) by adding at the end the following:

''(c) FURTHER CONDITIONS.—This section applies to any further conditions or prescriptions proposed or imposed pursuant to section 4(e), 6, or 18.''.

(i) LICENSING PROCESS IMPROVEMENTS AND COORDINATION.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 34. LICENSING PROCESS IMPROVEMENTS.

''(a) LICENSE STUDIES.—

''(1) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall—

''(A) conduct an investigation of best practices in performing licensing studies, including methodologies and the design of studies to assess the full range of environmental impacts of a project;

''(B) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this paragraph; and

''(C) encourage license applicants and cooperating agencies to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

''(2) USE OF EXISTING STUDIES.—To the maximum extent practicable, the Commission shall use existing studies and data in individual licensing proceedings under this part in accordance with paragraph (1).

''(3) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall ensure that studies and data required for any Federal authorization (as defined in section 35(a)) applicable to a particular project or facility are not duplicated in other licensing proceedings under this part.

''(4) BIOLOGICAL OPINIONS.—To the maximum extent practicable, the Secretary of Commerce shall ensure that relevant offices within the National Marine Fisheries Service prepare any biological opinion under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that forms the basis for a prescription under section 18 on a concurrent rather than sequential basis.

''(5) WATER QUALITY CERTIFICATION DEADLINE.—

''(A) IN GENERAL.—For purposes of issuing a license under this part, the deadline for a certifying agency to act under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) shall take effect only on the submission of a request for certification determined to be complete by the certifying agency.

''(B) NOTICE OF COMPLETE REQUEST.—The certifying agency shall inform the Commission when a request for certification is determined to be complete.

''SEC. 35. LICENSING PROCESS COORDINATION.

''(a) DEFINITION OF FEDERAL AUTHORIZATION.—In this section, the term 'Federal authorization' means any authorization required under Federal law (including any license, permit, special use authorization, certification, opinion, consultation, determination, or other approval) with respect to—

''(1) a project licensed under section 4 or 15; or

''(2) a facility exempted under—

''(A) section 30; or

''(B) section 405(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705(d)).

''(b) DESIGNATION AS LEAD AGENCY.—

''(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations.

''(2) OTHER AGENCIES.—Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission.

''(c) SCHEDULE.—

''(1) TIMING FOR ISSUANCE.—It is the sense of Congress that all Federal authorizations required for a project or facility, including a license or exemption order of the Commission, should be issued by the date that is 3 years after the date on which an application is considered to be complete by the Commission.

''(2) COMMISSION SCHEDULE.—

''(A) IN GENERAL.—The Commission shall establish a schedule for the issuance of all Federal authorizations.

''(B) REQUIREMENTS.—In establishing the schedule under subparagraph (A), the Commission shall—

''(i) consult and cooperate with the Federal and State agencies responsible for a Federal authorization;

''(ii) ensure the expeditious completion of all proceedings relating to a Federal authorization; and

''(iii) comply with applicable schedules established by Federal law with respect to a Federal authorization.

''(3) RESOLUTION OF INTERAGENCY DISPUTES.—If the Federal agency fails to adhere to the schedule established by the Commission under paragraph (2), or if the final condition of the Secretary under section 4(e) or prescription under section 18 has been unreasonably delayed in derogation of the schedule established under paragraph (2), or if a proposed alternative condition or prescription has been unreasonably denied, or if a final condition or prescription would be inconsistent with the purposes of this part or other applicable law, the Commission may refer the matter to the Chairman of the Council on Environmental Quality—

''(A) to ensure timely participation;

''(B) to ensure a timely decision;

''(C) to mediate the dispute; or

''(D) to refer the matter to the President.

''(d) CONSOLIDATED RECORD.—

''(1) IN GENERAL.—The Commission shall maintain official consolidated records of all license proceedings under this part.

''(2) SUBMISSION OF RECOMMENDATIONS.—Any Federal or State agency that is providing recommendations with respect to a license proceeding under this part shall submit to the Commission for inclusion in the consolidated record relating to the license proceeding maintained under paragraph (1)—

''(A) the recommendations;

''(B) the rationale for the recommendations; and

''(C) any supporting materials relating to the recommendations.

''(3) WRITTEN STATEMENT.—In a case in which a Federal agency is making a determination with respect to a covered measure (as defined in section 36(a)), the head of the Federal agency shall include in the consolidated record a written statement demonstrating that the Federal agency gave equal consideration to the effects of the covered measure on—

''(A) energy supply, distribution, cost, and use;

''(B) flood control;

''(C) navigation;

''(D) water supply; and

''(E) air quality and the preservation of other aspects of environmental quality.

''SEC. 36. TRIAL-TYPE HEARINGS.

''(a) DEFINITION OF COVERED MEASURE.—In this section, the term 'covered measure' means—

''(1) a condition prescribed under section 4(e), including an alternative condition proposed under section 33(a);

''(2) fishways prescribed under section 18, including an alternative prescription proposed under section 33(b); or

''(3) any further condition pursuant to section 4(e), 6, or 18.

''(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—The license applicant (including an applicant for a license under section 15) and any party to the proceeding shall be entitled to a determination on the record, after opportunity for a trial-type hearing of not more than 120 days, on any disputed issues of material fact with respect to an applicable covered measure.

''(c) DEADLINE FOR REQUEST.—A request for a trial-type hearing under this section shall be submitted not later than 60 days after the date on which, as applicable—

''(1) the Secretary submits the condition under section 4(e) or prescription under section 18; or

''(2)(A) the Commission publishes notice of the intention to use the reserved authority of the Commission to order a further condition under section 6; or

''(B) the Secretary exercises reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18, as appropriate.

''(d) NO REQUIREMENT TO EXHAUST.—By electing not to request a trial-type hearing under subsection (d), a license applicant and any other party to a license proceeding shall not be considered to have waived the right of the applicant or other party to raise any issue of fact or law in a non-trial-type proceeding, but no issue may be raised for the first time on rehearing or judicial review of the license decision of the Commission.

''(e) ADMINISTRATIVE LAW JUDGE.—All disputed issues of material fact raised by a party in a request for a trial-type hearing submitted under subsection (d) shall be determined in a single trial-type hearing to be conducted by an Administrative Law Judge within the Office of Administrative Law Judges and Dispute Resolution of the Commission, in accordance with the Commission rules of practice and procedure under part 385 of title 18, Code of Federal Regulations (or successor regulations), and within the timeframe established by the Commission for each license proceeding (including a proceeding for a license under section 15) under section 35(c).

''(f) STAY.—The Administrative Law Judge may impose a stay of a trial-type hearing under this section for a period of not more than 120 days to facilitate settlement negotiations relating to resolving the disputed issues of material fact with respect to the covered measure.

''(g) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—

''(1) CONTENTS.—The decision of the Administrative Law Judge shall contain—

''(A) findings of fact on all disputed issues of material fact;

''(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and

''(C) reasons for the findings and conclusions.

''(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to whether—

''(A) any condition or prescription should be adopted, modified, or rejected; or

''(B) any alternative condition or prescription should be adopted, modified, or rejected.

''(3) FINALITY.—A decision of an Administrative Law Judge under this section with respect to a disputed issue of material fact shall not be subject to further administrative review.

''(4) SERVICE.—The Administrative Law Judge shall serve the decision on each party to the hearing and forward the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription.

''(h) SECRETARIAL DETERMINATION.—

''(1) IN GENERAL.—Not later than 60 days after the date on which the Administrative Law Judge issues the decision under subsection (g) and in accordance with the schedule established by the Commission under section 35(c), the Secretary proposing a condition under section 4(e) or a prescription under section 18 shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.

''(2) RECORD OF DETERMINATION.—The final determination of the Secretary filed with the Commission shall identify the reasons for the decision and any considerations taken into account that were not part of, or inconsistent with, the findings of the Administrative Law Judge and shall be included in the consolidated record in section 35(d).

''(i) LICENSING DECISION OF THE COMMISSION.—Notwithstanding sections 4(e) and 18, if the Commission finds that the final condition or prescription of the Secretary is inconsistent with the purposes of this part or other applicable law, the Commission may refer the matter to the Chairman of the Council on Environmental Quality under section 35(c).

''(j) JUDICIAL REVIEW.—The decision of the Administrative Law Judge and the record of determination of the Secretary shall be included in the record of the applicable licensing proceeding and subject to judicial review of the final licensing decision of the Commission under section 313(b).

''SEC. 37. PUMPED STORAGE PROJECTS.

''In carrying out section 6(a) of the Hydropower Regulatory Efficiency Act of 2013 (16 U.S.C. 797 note; Public Law 113–23), the Commission shall consider a closed loop pumped storage project to include a project—

''(1) in which the upper and lower reservoirs do not impound or directly withdraw water from a navigable stream; or

''(2) that is not continuously connected to a naturally flowing water feature.

''SEC. 38. ANNUAL REPORTS.

''(a) COMMISSION ANNUAL REPORT.—

''(1) IN GENERAL.—The Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report that—

''(A) describes and quantifies, for each licensed, exempted, or proposed project under this part or section 405(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705(d)) (referred to in this subsection as the 'covered project'), the quantity of energy and capacity authorized for new development and reauthorized for continued operation during the reporting year, including an assessment of the economic, climactic, air quality, and other environmental benefits achieved by the new and reauthorized energy and capacity;

''(B) describes and quantifies the loss of energy, capacity, or ancillary services as a result of any licensing action under this part or other requirement under Federal law during the reporting year;

''(C) identifies any application to license, relicense, or expand a covered project pending as of the date of the annual report, including a quantification of the new energy and capacity with the potential to be gained or lost by action relating to the covered project; and

''(D) lists all proposed covered projects that, as of the date of the annual report, are subject to a preliminary permit issued under section 4(f), including a description of the quantity of new energy and capacity that would be achieved through the development of each proposed covered project.

''(2) AVAILABILITY.—The Commission shall establish and maintain a publicly available website or comparable resource that tracks all information required for the annual report under paragraph (1).

''(b) RESOURCE AGENCY ANNUAL REPORT.—

''(1) IN GENERAL.—Any Federal or State resource agency that is participating in any Commission proceeding under this part or that has responsibilities for any Federal authorization shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

''(A) describes each term, condition, or other requirement prepared by the resource agency during the reporting year with respect to a Commission proceeding under this part, including—

''(i) an assessment of whether implementation of the term, condition, or other requirement would result in the loss of energy, capacity, or ancillary services at the project, including a quantification of the losses;

''(ii) an analysis of economic, air quality, climactic and other environmental effects associated with implementation of the term, condition, or other requirement;

''(iii) a demonstration, based on evidence in the record of the Commission, that the resource agency prepared the term, condition, or other requirement in a manner that meets the policy established by this part while discharging the responsibilities of the resource agency under this part or any other applicable requirement under Federal law; and

''(iv) a statement of whether the head of the applicable Federal agency has rendered

final approval of the term, condition, or other requirement, or whether the term, condition, or other requirement remains a preliminary recommendation of staff of the resource agency; and

''(B) identifies all pending, scheduled, and anticipated proceedings under this part that, as of the date of the annual report, the resource agency expects to participate in, or has any approval or participatory responsibilities for under Federal law, including—

''(i) an accounting of whether the resource agency met all deadlines or other milestones established by the resource agency or the Commission during the reporting year; and

''(ii) the specific plans of the resource agency for allocating sufficient resources for each project during the upcoming year.

''(2) AVAILABILITY.—Any resource agency preparing an annual report to Congress under paragraph (1) shall establish and maintain a publicly available website or comparable resource that tracks all information required for the annual report.''.

(j) PILOT PROGRAM.—

(1) IN GENERAL.—The Commission (as the term is defined in section 3 of the Federal Power Act (16 U.S.C. 796)) shall establish a voluntary pilot program covering at least 1 region in which the Commission, in consultation with the heads of cooperating agencies, shall direct a set of region-wide studies to inform subsequent project-level studies within each region.

(2) DESIGNATION.—Not later than 2 years after the date of enactment of this Act, if the conditions under paragraph (3) are met, the Commission, in consultation with the heads of cooperating agencies, shall designate 1 or more regions to be studied under this subsection.

(3) VOLUNTARY BASIS.—The Commission may only designate regions under paragraph (2) in which every licensee, on a voluntary basis and in writing, agrees—

(A) to be included in the pilot program; and

(B) to any cost-sharing arrangement with other licensees and applicable Federal and State agencies with respect to conducting basin-wide studies.

(4) SCALE.—The regions designated under paragraph (2) shall—

(A) be at an adequately large scale to cover at least 5 existing projects that—

(i) are licensed under this part; and

(ii) the licenses of which shall expire not later than 15 years after the date of enactment of this section; and

(B) be likely to yield region-wide studies and information that will significantly reduce the need for and scope of subsequent project-level studies and information.

(5) PROJECT LICENSE TERMS.—The Commission may extend the term of any existing license within a region designated under paragraph (2) by up to 8 years to provide sufficient time for relevant region-wide studies to inform subsequent project-level studies.

SEC. 3002. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (c), by striking ''10'' and inserting ''20'';

(2) in subsection (f), by striking ''20'' and inserting ''30''; and

(3) in subsection (g), by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2016 through 2025''.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2016 through 2025''.

SEC. 3003. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CLARK CANYON DAM.

Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12429, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of project works for the 3-year period beginning on the date of enactment of this Act.

SEC. 3004. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.

(a) IN GENERAL.—Notwithstanding the requirements of section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478–003, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for a 6-year period that begins on the date described in subsection (b).

(b) DATE DESCRIBED.—The date described in this subsection is the date of the expiration of the extension of the period required for commencement of construction for the project described in subsection (a) that was issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (b) has expired before the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

PART II—GEOTHERMAL

Subpart A—Geothermal Energy

SEC. 3005. NATIONAL GOALS FOR PRODUCTION AND SITE IDENTIFICATION.

It is the sense of Congress that, not later than 10 years after the date of enactment of this Act—

(1) the Secretary of the Interior shall seek to approve a significant increase in new geothermal energy capacity on public land across a geographically diverse set of States using the full range of available technologies; and

(2) the Director of the Geological Survey and the Secretary should identify sites capable of producing a total of 50,000 megawatts of geothermal power, using the full range of available technologies, through a program conducted in collaboration with industry, including cost-shared exploration drilling.

SEC. 3006. PRIORITY AREAS FOR DEVELOPMENT ON FEDERAL LAND.

The Director of the Bureau of Land Management, in consultation with other appropriate Federal agencies, shall—

(1) identify high priority areas for new geothermal development; and

(2) take any actions the Director determines necessary to facilitate that development, consistent with applicable laws.

SEC. 3007. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

''(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for noncompetitive leasing under this section to the holder of the oil and gas lease—

''(A) on a determination that—

''(i) geothermal energy will be produced from a well producing or capable of producing oil and gas; and

''(ii) national energy security will be improved by the issuance of such a lease; and

''(B) to provide for the coproduction of geothermal energy with oil and gas.''.

SEC. 3008. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) (as amended by section 3007) is amended by adding at the end the following:

''(5) ADJOINING LAND.—

''(A) DEFINITIONS.—In this paragraph:

''(i) FAIR MARKET VALUE PER ACRE.—The term 'fair market value per acre' means a dollar amount per acre that—

''(I) except as provided in this clause, shall be equal to the market value per acre (taking into account the determination under subparagraph (B)(iii) regarding a valid discovery on the adjoining land), as determined by the Secretary under regulations issued under this paragraph;

''(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 180-day period beginning on the date the Secretary receives an application for the lease; and

''(III) shall be not less than the greater of—

''(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

''(bb) $50.

''(ii) INDUSTRY STANDARDS.—The term 'industry standards' means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

''(iii) QUALIFIED FEDERAL LAND.—The term 'qualified Federal land' means land that is otherwise available for leasing under this Act.

''(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term 'qualified geothermal professional' means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

''(v) QUALIFIED LESSEE.—The term 'qualified lessee' means a person that is eligible to hold a geothermal lease under this Act (including applicable regulations).

''(vi) VALID DISCOVERY.—The term 'valid discovery' means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

''(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a

noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

''(i) the area of qualified Federal land—

''(I) consists of not less than 1 acre and not more than 640 acres; and

''(II) is not already leased under this Act or nominated to be leased under subsection (a);

''(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

''(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

''(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

''(II) that thermal feature extends into the adjoining areas.

''(C) DETERMINATION OF FAIR MARKET VALUE.—

''(i) IN GENERAL.—The Secretary shall—

''(I) publish a notice of any request to lease land under this paragraph;

''(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

''(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

''(IV) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

''(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

''(iii) ANNUAL RENTAL.—For purposes of section 5(a)(3), a lease awarded under this paragraph shall be considered a lease awarded in a competitive lease sale.

''(D) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary shall issue regulations to carry out this paragraph.''.

SEC. 3009. REPORT TO CONGRESS.

Not later than 3 years after the date of enactment of this Act and not less frequently than once every 5 years thereafter, the Secretary of the Interior and the Secretary shall submit to Congress a report describing the progress made towards achieving the goals described in section 3005.

SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart—

(1) $65,000,000 for fiscal year 2017; and

(2) $75,000,000 for each of fiscal years 2018 through 2021.

Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land

SEC. 3011. DEFINITIONS.

In this subpart:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A) public land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term ''exclusion area'' means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) PRIORITY AREA.—The term ''priority area'' means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project.

(4) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(5) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) VARIANCE AREA.—The term ''variance area'' means covered land that is—

(A) not an exclusion area; and

(B) not a priority area.

SEC. 3011A. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects.

(2) DEADLINE.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy, the solar energy zones established by the 2012 western solar plan of the Bureau of Land Management shall be considered to be priority areas for solar energy projects.

(C) WIND ENERGY.—For wind energy, the Secretary shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) VARIANCE AREAS.—To the maximum extent practicable, variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) REVIEW AND MODIFICATION.—Not less frequently than once every 10 years, the Secretary shall—

(1) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(2) based on the review carried out under paragraph (1), add, modify, or eliminate priority, variance, and exclusion areas.

(d) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the western United States;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy projects; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy projects.

(e) NO EFFECT ON PROCESSING APPLICATIONS.—A requirement to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing an application for a renewable energy project.

(f) COORDINATION.—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to transmission);

(2) likely to avoid or minimize conflict with habitat for animals and plants, recreation, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section.

(g) REMOVAL FROM CLASSIFICATION.—In carrying out subsections (a), (c), and (d), if the Secretary determines an area previously suited for development should be removed from priority or variance classification, not later than 90 days after the date of the determination, the Secretary shall submit to Congress a report on the determination.

SEC. 3011B. ENVIRONMENTAL REVIEW ON COVERED LAND.

(a) IN GENERAL.—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011B(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section modifies or supersedes any requirement under applicable law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 3011C. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area, with—

(A) the Secretary of Agriculture; and

(B) the Assistant Secretary of the Army for Civil Works.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any interested State to be a signatory to the memorandum of understanding under paragraph (1).

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 90 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau

of Land Management Renewable Energy Coordination Offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and

(G) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary may assign additional personnel for the renewable energy coordination offices as are necessary to ensure the effective implementation of any programs administered by those offices, including inspection and enforcement relating to renewable energy project development on covered land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) RENEWABLE ENERGY COORDINATION OFFICES.—In implementing the program established under this section, the Secretary may establish additional renewable energy coordination offices or temporarily assign the qualified staff described in subsection (c) to a State, district, or field office of the Bureau of Land Management to expedite the permitting of renewable energy projects, as the Secretary determines to be necessary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act, and each February 1 thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made pursuant to the program under this subpart during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

SEC. 3011D. SAVINGS CLAUSE.

Nothing in this subpart establishes—

(1) a priority or preference for the development of renewable energy projects on public land over other energy-related or mineral projects or other uses of public land; or

(2) an exception to the requirement that public land be managed consistent with the principle of multiple use (as defined in section of section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

Subpart C—Geothermal Exploration

SEC. 3012. GEOTHERMAL EXPLORATION TEST PROJECTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED LAND.—The term 'covered land' means land that is—

''(A) subject to geothermal leasing in accordance with section 3; and

''(B) not excluded from the development of geothermal energy under—

''(i) a final land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(ii) a final land and resource management plan established under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); or

''(iii) any other applicable law.

''(2) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(b) NEPA REVIEW OF GEOTHERMAL EXPLORATION TEST PROJECTS.—

''(1) IN GENERAL.—An eligible activity described in paragraph (2) carried out on covered land shall be considered an action categorically excluded from the requirements for an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation) if—

''(A) the action is for the purpose of geothermal resource exploration operations; and

''(B) the action is conducted pursuant to this Act.

''(2) ELIGIBLE ACTIVITY.—An eligible activity referred to in paragraph (1) is—

''(A) a geophysical exploration activity that does not require drilling, including a seismic survey;

''(B) the drilling of a well to test or explore for geothermal resources on land leased by the Secretary concerned for the development and production of geothermal resources that—

''(i) is carried out by the holder of the lease;

''(ii) causes—

''(I) fewer than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

''(II) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the project site;

''(iii) is completed in fewer than 90 days, including the removal of any surface infrastructure from the project site; and

''(iv) requires the restoration of the project site not later than 3 years after the date of completion of the project to approximately the condition that existed at the time the project began, unless—

''(I) the project site is subsequently used as part of energy development on the lease; or

''(II) the project—

''(aa) yields geothermal resources; and

''(bb) the use of the geothermal resources will be carried out under another geothermal generation project in existence at the time of the discovery of the geothermal resources; or

''(C) the drilling of a well to test or explore for geothermal resources on land leased by the Secretary concerned for the development and production of geothermal resources that—

''(i) causes an individual surface disturbance of fewer than 5 acres if—

''(I) the total surface disturbance on the leased land is not more than 150 acres; and

''(II) a site-specific analysis has been prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(ii) involves the drilling of a geothermal well at a location or well pad site at which drilling has occurred within 5 years before the date of spudding the well; or

''(iii) involves the drilling of a geothermal well in a developed field for which—

''(I) an approved land use plan or any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed the drilling as a reasonably foreseeable activity; and

''(II) the land use plan or environmental document was approved within 10 years before the date of spudding the well.

''(3) LIMITATION BASED ON EXTRAORDINARY CIRCUMSTANCES.—The categorical exclusion established under paragraph (1) shall be subject to extraordinary circumstances in accordance with the Departmental Manual, 516 DM 2.3A(3) and 516 DM 2, Appendix 2 (or successor provisions).

''(c) NOTICE OF INTENT; REVIEW AND DETERMINATION.—

''(1) REQUIREMENT TO PROVIDE NOTICE.—Not later than 30 days before the date on which drilling begins, a leaseholder intending to carry out an eligible activity shall provide notice to the Secretary concerned.

''(2) REVIEW OF PROJECT.—Not later than 10 days after receipt of a notice of intent provided under paragraph (1), the Secretary concerned shall—

''(A) review the project described in the notice and determine whether the project is an eligible activity; and

''(B)(i) if the project is an eligible activity, notify the leaseholder that under subsection (b), the project is considered a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation); or

''(ii) if the project is not an eligible activity—

''(I) notify the leaseholder that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project;

''(II) include in that notification clear and detailed findings on any deficiencies in the project that prevent the application of subsection (b) to the project; and

''(III) provide an opportunity to the leaseholder to remedy the deficiencies described in the notification before the date on which the leaseholder plans to begin the project under paragraph (1).''.

PART III—MARINE HYDROKINETIC

SEC. 3013. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

Section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211) is amended in the matter preceding paragraph (1) by striking ''electrical''.

SEC. 3014. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

Section 633 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17212) is amended to read as follows:

"SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

''The Secretary, in consultation with the Secretary of the Interior, the Secretary of

Commerce, and the Federal Energy Regulatory Commission, shall carry out a program of research, development, demonstration, and commercial application to accelerate the introduction of marine and hydrokinetic renewable energy production into the United States energy supply, giving priority to fostering accelerated research, development, and commercialization of technology, including programs—

''(1) to assist technology development to improve the components, processes, and systems used for power generation from marine and hydrokinetic renewable energy resources;

''(2) to establish critical testing infrastructure necessary—

''(A) to cost effectively and efficiently test and prove marine and hydrokinetic renewable energy devices; and

''(B) to accelerate the technological readiness and commercialization of those devices;

''(3) to support efforts to increase the efficiency of energy conversion, lower the cost, increase the use, improve the reliability, and demonstrate the applicability of marine and hydrokinetic renewable energy technologies by participating in demonstration projects;

''(4) to investigate variability issues and the efficient and reliable integration of marine and hydrokinetic renewable energy with the utility grid;

''(5) to identify and study critical short- and long-term needs to create a sustainable marine and hydrokinetic renewable energy supply chain based in the United States;

''(6) to increase the reliability and survivability of marine and hydrokinetic renewable energy technologies;

''(7) to verify the performance, reliability, maintainability, and cost of new marine and hydrokinetic renewable energy device designs and system components in an operating environment, and consider the protection of critical infrastructure, such as adequate separation between marine and hydrokinetic devices and projects and submarine telecommunications cables, including consideration of established industry standards;

''(8) to coordinate and avoid duplication of activities across programs of the Department and other applicable Federal agencies, including National Laboratories and to coordinate public-private collaboration in all programs under this section;

''(9) to identify opportunities for joint research and development programs and development of economies of scale between—

''(A) marine and hydrokinetic renewable energy technologies; and

''(B) other renewable energy and fossil energy programs, offshore oil and gas production activities, and activities of the Department of Defense; and

''(10) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

''(A) to allow cooperative funding and other support of value to be exchanged and leveraged; and

''(B) to encourage the participation of international research centers and companies within the United States and the participation of United States research centers and companies in international projects.''.

SEC. 3015. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

Section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213) is amended by striking subsection (b) and inserting the following:

''(b) PURPOSES.—A Center (in coordination with the Department and National Laboratories) shall—

''(1) advance research, development, demonstration, and commercial application of marine and hydrokinetic renewable energy technologies;

''(2) support in-water testing and demonstration of marine and hydrokinetic renewable energy technologies, including facilities capable of testing—

''(A) marine and hydrokinetic renewable energy systems of various technology readiness levels and scales;

''(B) a variety of technologies in multiple test berths at a single location; and

''(C) arrays of technology devices; and

''(3) serve as information clearinghouses for the marine and hydrokinetic renewable energy industry by collecting and disseminating information on best practices in all areas relating to developing and managing marine and hydrokinetic renewable energy resources and energy systems.''.

SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.

Section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) is amended by striking ''$50,000,000 for each of the fiscal years 2008 through 2012'' and inserting ''$55,000,000 for each of fiscal years 2017 and 2018 and $60,000,000 for each of fiscal years 2019 through 2021''.

PART IV—BIOMASS

SEC. 3017. POLICIES RELATING TO BIOMASS ENERGY.

To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

Subtitle B—Oil and Gas

SEC. 3101. AMENDMENTS TO THE METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—Section 4 of the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 2003) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

''(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions—

''(A) to conduct basic and applied research—

''(i) to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy; and

''(ii) to identify the environmental, health, and safety impacts of methane hydrate development;

''(B) to identify and characterize methane hydrate resources using remote sensing and seismic data, including the characterization of hydrate concentrations in marine reservoirs in the Gulf of Mexico by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016;

''(C) to develop technologies required for efficient and environmentally sound development of methane hydrate resources;

''(D) to conduct basic and applied research to assess and mitigate the environmental impact of hydrate degassing (including natural degassing and degassing associated with commercial development);

''(E) to develop technologies to reduce the risks of drilling through methane hydrates;

''(F) to conduct exploratory drilling, well testing, and production testing operations on permafrost and nonpermafrost gas hydrates in support of the activities authorized by this paragraph, including—

''(i) drilling of a test well and performing a long-term hydrate production test on land in the United States Arctic region by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016;

''(ii) drilling of a test well and performing a long-term hydrate production test in a marine environment by the date that is 10 years after the date of enactment of the Energy Policy Modernization Act of 2016; and

''(iii) drilling a full-scale production test well at a location to be determined by the Secretary; or

''(G) to expand education and training programs in methane hydrate resource research and resource development through fellowships or other means for graduate education and training.

''(2) ENVIRONMENTAL MONITORING AND RESEARCH.—The Secretary shall conduct a long-term environmental monitoring and research program to study the effects of production from methane hydrate reservoirs.

''(3) COMPETITIVE PEER REVIEW.—Funds made available under paragraphs (1) and (2) shall be made available based on a competitive process using external scientific peer review of proposed research.''.

(2) CONFORMING AMENDMENT.—Section 4(e) of the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 2003(e)) is amended in the matter preceding paragraph (1) by striking ''subsection (b)(1)'' and inserting ''paragraphs (1) and (2) of subsection (b)''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Methane Hydrate Research and Development Act of 2000 is amended by striking section 7 (30 U.S.C. 2006) and inserting the following:

''SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $35,000,000 for each of fiscal years 2017 through 2021.''.

SEC. 3102. LIQUEFIED NATURAL GAS STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the National Association of Regulatory Utility Commissioners and the National Association of State Energy Officials, shall conduct a study of the State, regional, and national implications of exporting liquefied natural gas with respect to consumers and the economy.

(2) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the economic impact that exporting liquefied natural gas will have in regions that currently import liquefied natural gas;

(B) job creation in the manufacturing sectors; and

(C) such other issues as the Secretary considers appropriate.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 3103. FERC PROCESS COORDINATION WITH RESPECT TO REGULATORY APPROVAL OF GAS PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) FEDERAL AUTHORIZATION.—

(A) IN GENERAL.—The term ''Federal authorization'' means any authorization required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(B) INCLUSIONS.—The term ''Federal authorization'' includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of—

(A) coordinating all applicable Federal authorizations; and

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) OTHER AGENCIES.—Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission.

(c) SCHEDULE.—

(1) TIMING FOR ISSUANCE.—It is the sense of Congress that all Federal authorizations required for a project or facility should be issued by not later than the date that is 90 days after the date on which an application is considered to be complete by the Commission.

(2) COMMISSION SCHEDULE.—

(A) IN GENERAL.—The Commission shall establish a schedule for the issuance of all Federal authorizations.

(B) REQUIREMENTS.—In establishing the schedule under subparagraph (A), the Commission shall—

(i) consult and cooperate with the Federal and State agencies responsible for a Federal authorization;

(ii) ensure the expeditious completion of all proceedings relating to a Federal authorization; and

(iii) comply with applicable schedules established under Federal law with respect to a Federal authorization.

(3) RESOLUTION OF INTERAGENCY DISPUTES.—If the Federal agency with responsibility fails to adhere to the schedule established by the Commission under paragraph (2), or if a Federal authorization has been unreasonably denied, or if a Federal authorization would be inconsistent with the purposes of this section or other applicable law, the Commission shall refer the matter to the Chairman of the Council on Environmental Quality—

(A) to ensure timely participation;

(B) to ensure a timely decision;

(C) to mediate the dispute; or

(D) to refer the matter to the President.

(d) CONSOLIDATED RECORD.—The Commission shall maintain official consolidated records of all license proceedings under this section.

(e) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization, each agency shall give deference, to the maximum extent authorized by law, to the scope of environmental review that the Commission determines to be appropriate.

(f) CONCURRENT REVIEWS.—Pursuant to the schedule established under subsection (c)(2), each agency considering an aspect of an application for Federal authorization shall—

(1) to the maximum extent authorized by law, carry out the obligations of that agency under applicable law concurrently and in conjunction with the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out those obligations;

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to complete the required Federal authorizations in accordance with the schedule described in subsection (c); and

(3) transmit to the Commission a statement—

(A) acknowledging notice of the schedule described in subsection (c); and

(B) describing the plan formulated under paragraph (2).

(g) FAILURE TO MEET DEADLINE.—If an agency does not complete a proceeding for an approval that is required for a Federal authorization in accordance with the schedule described in subsection (c), the head of the relevant Federal agency (including, in the case of a failure by the State agency or unit of local government, the Federal agency overseeing the delegated authority) shall—

(1) notify Congress and the Commission of the failure; and

(2) describe in that notification an implementation plan to ensure completion.

(h) ACCOUNTABILITY; TRANSPARENCY; EFFICIENCY.—

(1) IN GENERAL.—For applications requiring multiple Federal authorizations, the Commission, in consultation with any agency considering an aspect of the application, shall track and make available to the public on the website of the Commission information relating to the actions required to complete permitting, reviews, and other requirements.

(2) INCLUSIONS.—Information tracked under paragraph (1) shall include the following:

(A) The schedule described in subsection (c).

(B) A list of all the actions required by each applicable agency to complete permitting, reviews, and other requirements necessary to obtain a final decision on the Federal authorization.

(C) The expected completion date for each action listed under subparagraph (B).

(D) A point of contact at the agency accountable for each action listed under subparagraph (B).

(E) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reason for the delay.

SEC. 3104. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Director''), shall establish a pilot program in 1 State with at least 2,000 oil and gas drilling spacing units (as defined under State law), in which—

(1) 25 percent or less of the minerals are owned or held in trust by the Federal Government; and

(2) there is no surface land owned or held in trust by the Federal Government.

(b) ACTIVITIES.—In carrying out the pilot program, the Director shall identify and implement ways to streamline the review and approval of Applications for Permits to Drill for oil and gas drilling spacing units of the State in order to achieve a processing time for those oil and gas drilling spacing units similar to that of spacing units that require an Application for Permit to Drill and are not part of the pilot program in the same State.

(c) FUNDING.—Beginning in fiscal year 2016, and for a period of 3 years thereafter, to carry out the pilot program efficiently, the Director may fund up to 10 full-time equivalents at appropriate field offices.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director shall submit to Congress a report on the results of the pilot program.

(e) WAIVER.—The Secretary of the Interior may waive the requirement for an Application for Permit to Drill if the Director determines that the mineral interest of the United States in the spacing units in land covered by this section is adequately protected, if otherwise in accordance with applicable laws, regulations, and lease terms.

SEC. 3105. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 2 years, the Comptroller General of the United States shall conduct a review of—

(1) energy production in the United States; and

(2) the effects, if any, of crude oil exports from the United States on consumers, independent refiners, and shipbuilding and ship repair yards.

(b) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (a), the Comptroller General of the United States shall submit to the Committees on Energy and Natural Resources, Banking, Housing, and Urban Affairs, Commerce, Science, and Transportation, and Foreign Relations of the Senate and the Committees on Natural Resources, Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to address any job loss in the shipbuilding and ship repair industry or adverse impacts on consumers and refiners that the Comptroller General of the United States attributes to unencumbered crude oil exports in the United States.

SEC. 3106. ETHANE STORAGE STUDY.

(a) IN GENERAL.—The Secretary and the Secretary of Commerce, in consultation with other relevant Federal departments and agencies and stakeholders, shall conduct a study of the feasibility of establishing an ethane storage and distribution hub in the Marcellus, Utica, and Rogersville shale plays in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of, with respect to the proposed ethane storage and distribution hub—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above-ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly hubs relating to ethane; and

(2) the identification of potential additional benefits of the proposed hub to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Commerce shall—

(1) submit to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate a report describing the results of the study under subsection (a); and

(2) publish those results on the Internet websites of the Departments of Energy and Commerce, respectively.

SEC. 3107. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary shall lead and establish an Aliso Canyon Task Force (referred to in this section as the ''task force'').

(b) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;

(2) 1 representative from the Department of Health and Human Services;

(3) 1 representative from the Environmental Protection Agency;

(4) 1 representative from the Department of the Interior;

(5) 1 representative from the Department of Commerce; and

(6) 1 representative from the Federal Energy Regulatory Commission.

(c) REPORT.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the task force shall submit a final report that contains the information described in subparagraph (B) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives;

(iii) the Committee on Environment and Public Works of the Senate;

(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

(v) the Committee on Commerce, Science, and Transportation of the Senate;

(vi) the Committee on Energy and Commerce of the House of Representatives;

(vii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(viii) the Committee on Education and the Workforce of the House of Representatives;

(ix) the President; and

(x) relevant Federal and State agencies.

(B) INFORMATION INCLUDED.—The report submitted under subparagraph (A) shall include, at a minimum—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak;

(ii) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

(iii) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon;

(iv) an analysis of how Federal and State agencies responded to the natural gas leak;

(v) in order to lessen the negative impacts of natural gas leaks, recommendations on how to improve—

(I) the response to a future leak; and

(II) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(vi) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(vii) recommendations on how to prevent any future natural gas leaks;

(viii) recommendations on whether to continue operations at Aliso Canyon and other facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak;

(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas infrastructure in the United States;

(x) an analysis of the impact of the Aliso Canyon natural gas leak on wholesale and retail electricity prices; and

(xi) an analysis of the impact of the Aliso Canyon natural gas leak on the reliability of the bulk-power system.

(2) PUBLICATION.—The interim reports and recommendations under paragraph (1) and the final report under paragraph (2) shall be made available to the public in an electronically accessible format.

(3) If, before the final report is submitted under paragraph (1) the task force finds methods to solve the natural gas leak at Aliso Canyon; better protect the affected communities; or finds methods to help prevent other leaks, they must immediately issue such findings to the same entities that are to receive the final report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 3108. REPORT ON INCORPORATING INTERNET-BASED LEASE SALES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing recommendations for the incorporation of Internet-based lease sales at the Bureau of Land Management in accordance with section 17(b)(1)(C) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in the event of an emergency or other disruption causing a disruption to a sale.

SEC. 3109. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by striking ''within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park''.

(b) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended—

(1) in subparagraph (A), by inserting ''and'' after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(c) APPLICABLE LAW.—Section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 515) is amended by adding at the end the following:

''(d) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).''.

Subtitle C—Helium

SEC. 3201. RIGHTS TO HELIUM.

(a) DEFINITION OF HELIUM-RELATED PROJECT.—The term ''helium-related project'' means a project—

(1) to explore or produce crude helium; and

(2) to sell crude or refined helium.

(b) EXPEDITED COMPLETION.—Notwithstanding any other provision of law, applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for helium-related projects shall be completed on an expeditious basis and the shortest existing applicable process under that Act shall be used for such projects.

(c) REPEAL OF RESERVATION OF HELIUM RIGHTS.—The first section of the Mineral Leasing Act (30 U.S.C. 181) is amended by striking the flush text that follows the last undesignated subsection.

(d) RIGHTS TO HELIUM UNDER LEASES UNDER MINERAL LEASING ACT FOR ACQUIRED LANDS.—The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) is amended by adding at the end the following:

''SEC. 12. RIGHTS TO HELIUM.

''Any lease issued under this Act that authorizes exploration for, or development or production of, gas shall be considered to grant to the lessee a right of first refusal to engage in exploration for, and development and production of, helium on land that is subject to the lease in accordance with regulations issued by the Secretary.''.

Subtitle D—Critical Minerals

SEC. 3301. DEFINITIONS.

In this subtitle:

(1) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral, element, substance, or material designated as critical pursuant to section 3303.

(B) EXCLUSIONS.—The term ''critical mineral'' does not include—

(i) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(2) CRITICAL MINERAL MANUFACTURING.—The term ''critical mineral manufacturing'' means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of equipment, components, or other goods with energy technology-, defense-, agriculture-, consumer electronics-, or health care-related applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 3302. POLICY.

(a) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(1) by striking paragraph (3) and inserting the following:

''(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;'';

(2) in paragraph (6), by striking ''and'' after the semicolon at the end; and

(3) by striking paragraph (7) and inserting the following:

''(7) encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

''(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

''(9) strengthen educational and research capabilities and workforce training;

''(10) bolster international cooperation through technology transfer, information sharing, and other means;

''(11) promote the efficient production, use, and recycling of critical minerals;

''(12) develop alternatives to critical minerals; and

''(13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.''.

(b) CONFORMING AMENDMENT.—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking ''(b) As used in this Act, the term'' and inserting the following:

''(b) DEFINITIONS.—In this Act:

''(1) CRITICAL MINERAL.—The term 'critical mineral' means any mineral or element designated as a critical mineral pursuant to section 3303 of the Energy Policy Modernization Act of 2016.

''(2) MATERIALS.—The term''.

SEC. 3303. CRITICAL MINERAL DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (acting through the Director of the United States Geological Survey) (referred to in this subtitle as the ''Secretary''), in consultation with relevant Federal agencies and entities, shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(2) important in use (including energy technology-, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used to the extent necessary.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(d) DESIGNATIONS.—

(1) IN GENERAL.—For purposes of carrying out this subtitle, the Secretary shall maintain a list of minerals and elements designated as critical, pursuant to the methodology under subsection (c).

(2) INITIAL LIST.—Subject to paragraph (1), not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register an initial list of minerals designated as critical pursuant to the final methodology under subsection (c) for the purpose of carrying out this subtitle.

(3) INCLUSIONS.—Notwithstanding the criteria under subsection (c), the Secretary may designate and include on the list any mineral or element determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(e) SUBSEQUENT REVIEW.—

(1) IN GENERAL.—The Secretary shall review the methodology and designations under subsections (c) and (d) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(2) REVISIONS.—Subject to subsection (d)(1), the Secretary may—

(A) revise the methodology described in this section;

(B) determine that minerals or elements previously determined to be critical minerals are no longer critical minerals; and

(C) designate additional minerals or elements as critical minerals.

(f) NOTICE.—On finalization of the methodology under subsection (c), the list under subsection (d), or any revision to the methodology or list under subsection (e), the Secretary shall submit to Congress written notice of the action.

SEC. 3304. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(2) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(b) SUPPLEMENTARY INFORMATION.—In carrying out this section, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or the head of an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under section 3303 are completed first.

(2) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this section, the Secretary shall submit to Congress on an annual basis an interim report that—

(A) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(B) describes the progress of the assessments if the Secretary does not sequence the assessments.

(e) UPDATES.—The Secretary may periodically update the assessments conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other persons.

(f) ADDITIONAL SURVEYS.—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under section 3303(e)(2) not later than 2 years after the designation of the mineral or element.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of Federal land for any mineral commodity—

(1) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled ''Mineral Commodity Summaries 2015''; but

(2) that is not designated as a critical mineral under section 3303.

SEC. 3305. PERMITTING.

(a) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this section as the ''Secretaries'') shall, to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(b) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) identifies additional measures (including regulatory and legislative proposals, as appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(2) identifies options (including cost recovery paid by permit applicants) for ensuring

adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric under subsection (c); and

(4) describes actions carried out pursuant to subsection (a).

(c) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under subsection (b), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress made by the executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(d) ANNUAL REPORTS.—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (c), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (b);

(2) using the performance metric under subsection (c), describes progress made by the executive branch, as compared to the baseline established pursuant to subsection (b)(3), on expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(e) INDIVIDUAL PROJECTS.—Using data from the Secretaries generated under subsection (d), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(f) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

SEC. 3306. FEDERAL REGISTER PROCESS.

(a) DEPARTMENTAL REVIEW.—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in subsection (b) shall be—

(1) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(2) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice.

(b) PREPARATION.—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(c) TRANSMISSION.—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated in, and transmitted to the Federal Register from, the office in which, as applicable—

(1) the documents or meetings are held; or

(2) the activity is initiated.

SEC. 3307. RECYCLING, EFFICIENCY, AND ALTERNATIVES.

(a) ESTABLISHMENT.—The Secretary of Energy (referred to in this section as the ''Secretary'') shall conduct a program of research and development—

(1) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and

(2) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(b) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral processors;

(4) critical mineral manufacturers;

(5) trade associations;

(6) academic institutions;

(7) small businesses; and

(8) other relevant entities or individuals.

(c) ACTIVITIES.—Under the program, the Secretary shall carry out activities that include the identification and development of—

(1) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(A) efficient water and wastewater management strategies;

(B) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings; and

(C) technologies for separation and processing;

(2) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(3) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(6) alternative energy technologies or alternative designs of existing energy technologies, particularly those that use minerals that—

(A) occur in abundance in the United States; and

(B) are not subject to potential supply restrictions.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

SEC. 3308. ANALYSIS AND FORECASTING.

(a) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data or other price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(D) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(E) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(F) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(G) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 3309. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(D) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 3310. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.

Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking ''$30,000,000 for each of fiscal years 2006 through 2010'' and inserting ''$5,000,000 for each of fiscal years 2017 through 2026, to remain available until expended''.

SEC. 3311. ADMINISTRATION.

(a) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(c) SAVINGS CLAUSES.—

(1) IN GENERAL.—Nothing in this subtitle or an amendment made by this subtitle modifies any requirement or authority provided by—

(A) the matter under the heading ''**GEOLOGICAL SURVEY**'' of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(B) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(2) SECRETARIAL ORDER NOT AFFECTED.—This subtitle shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 2017 through 2026.

Subtitle E—Coal

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use (including for the production through biofixation of carbon-containing products), and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

SEC. 3402. FOSSIL ENERGY.

Section 961(a) of the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is amended by adding at the end the following:

''(8) Improving the conversion, use, and storage of carbon dioxide produced from fossil fuels.''.

SEC. 3403. ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.

(a) REPEALS.—

(1) IN GENERAL.—

(A) Sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293) are repealed.

(B) Subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 15961 et seq.) is repealed.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by paragraph (1), the Secretary shall continue to manage any program activities that are outstanding as of the date of enactment of this Act under the

terms and conditions of sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293) or subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 15961 et seq.) (as in effect on the day before the date of enactment of this Act), as applicable.

(3) CONFORMING AMENDMENTS.—

(A) Section 703(a)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3)) is amended—

(i) in the matter preceding subparagraph (A), by striking the first and second sentences; and

(ii) in subparagraph (B), by striking ''including'' in the matter preceding clause (i) and all that follows through the period at the end and inserting '', including such geologic sequestration projects as are approved by the Secretary''.

(B) Section 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17252) is amended in the first sentence by striking ''under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and''.

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

''SEC. 962. COAL TECHNOLOGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) LARGE-SCALE PILOT PROJECT.—The term 'large-scale pilot project' means a pilot project that—

''(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

''(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

''(C) is large enough—

''(i) to validate scaling factors; and

''(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

''(2) NET-NEGATIVE CARBON DIOXIDE EMISSIONS PROJECT.—The term 'net-negative carbon dioxide emissions project' means a project—

''(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

''(i) uses a carbon capture system; and

''(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

''(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

''(C) through which each use of coal will be combined with the use of a regionally indigenous form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with a carbon capture system), while avoiding impacts on food production activities.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

''(4) TRANSFORMATIONAL TECHNOLOGY.—

''(A) IN GENERAL.—The term 'transformational technology' means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

''(B) INCLUSIONS.—The term 'transformational technology' includes a broad range of technology improvements, including—

''(i) thermodynamic improvements in energy conversion and heat transfer, including—

''(I) oxygen combustion;

''(II) chemical looping; and

''(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

''(ii) improvements in turbine technology;

''(iii) improvements in carbon capture systems technology; and

''(iv) any other technology the Secretary recognizes as transformational technology.

''(b) COAL TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal use.

''(2) REQUIREMENTS.—The program shall include—

''(A) a research and development program;

''(B) large-scale pilot projects;

''(C) demonstration projects; and

''(D) net-negative carbon dioxide emissions projects.

''(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program to be applied to the technologies developed within the program, taking into consideration the following objectives:

''(A) Ensure reliable, low-cost power from new and existing coal plants.

''(B) Achieve high conversion efficiencies.

''(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

''(D) Support small-scale and modular technologies to enable incremental capacity additions and load growth and large-scale generation technologies.

''(E) Support flexible baseload operations for new and existing applications of coal generation.

''(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

''(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

''(H) Validate geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

''(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

''(4) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

''(A) undertake international collaborations, as recommended by the National Coal Council;

''(B) use existing authorities to encourage international cooperation; and

''(C) consult with interested entities, including—

''(i) coal producers;

''(ii) industries that use coal;

''(iii) organizations that promote coal and advanced coal technologies;

''(iv) environmental organizations;

''(v) organizations representing workers; and

''(vi) organizations representing consumers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

''(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

''(A) for activities under the research and development program component described in subsection (b)(2)(A)—

''(i) $275,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $200,000,000 for fiscal year 2021;

''(B) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

''(i) $50,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $75,000,000 for fiscal year 2021;

''(C) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021; and

''(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), $22,000,000 for each of fiscal years 2017 through 2021.

''(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).''.

SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term ''electric generation unit'' means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report—

(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser for—

(A) the recovery of crude oil; or

(B) other purposes for which a commercial market exists; and

(2) that—

(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

(B) outlines options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program described in paragraph (1).

Subtitle F—Nuclear

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term ''advanced fission reactor'' means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) superior reliability;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term ''fast neutron'' means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term ''National Laboratory'' means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term ''neutron flux'' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term ''neutron source'' means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

''(1) Providing research infrastructure—

''(A) to promote scientific progress; and

''(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

''(4) Ensuring public safety.

''(5) Reducing the environmental impact of nuclear energy-related activities.

''(6) Supporting technology transfer from the National Laboratories to the private sector.

''(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions; and

(2) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the ''program'').

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility (referred to in this subsection as the ''user facility'').

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a detailed plan for the establishment of the user facility (referred to in this section as the ''plan'').

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

(i) fast neutron spectrum irradiation capability; and

(ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

(i) capabilities that support experimental high-temperature testing;

(ii) providing a source of fast neutrons—

(I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) sufficient to enable research for an optimal base of prospective users;

(iii) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(iv) capabilities for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the ''National Nuclear Innovation Center'' (referred to in this subsection as the ''Center'')—

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) USE OF TECHNICAL EXPERTISE.—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) REPORTING REQUIREMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) CONTENTS.—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) BUDGET PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) DESCRIPTION OF PLANS.—

(A) IN GENERAL.—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) INCLUSIONS.—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(h) NUCLEAR REGULATORY COMMISSION REPORT.—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SEC. 3502. NEXT GENERATION NUCLEAR PLANT PROJECT.

Section 642(b) of the Energy Policy Act of 2005 (42 U.S.C. 16022(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle G—Workforce Development

SEC. 3601. 21ST CENTURY ENERGY WORKFORCE ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish the 21st Century Energy Workforce Advisory Board (referred to in this section as the ''Board''), to develop a strategy for the support and development of a skilled energy workforce that—

(1) meets the current and future industry and labor needs of the energy sector;

(2) provides opportunities for students to become qualified for placement in traditional energy sector and clean energy sector jobs;

(3) aligns apprenticeship programs and workforce development programs to provide industry recognized certifications and credentials;

(4) encourages leaders in the education system of the United States to equip students with the skills, mentorships, training, and technical expertise necessary to fill the employment opportunities vital to managing and operating the energy- and manufacturing-related industries of the United States;

(5) appropriately supports other Federal agencies;

(6) strengthens and more fully engages workforce training programs of the Department and the National Laboratories in carrying out the Minorities in Energy Initiative of the Department and other Department workforce priorities;

(7) supports the design and replication of existing model energy curricula, particularly in new and emerging technologies, that leads to industry-wide credentials;

(8) develops plans to support and retrain displaced and unemployed energy sector workers; and

(9) makes a Department priority to provide education and job training to underrepresented groups, including ethnic minorities, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), women, veterans, and socioeconomically disadvantaged individuals.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 9 members, with the initial members of the Board to be appointed by the Secretary not later than 1 year after the date of enactment of this Act.

(2) NOMINATIONS.—Not later than 1 year after the date of enactment of this Act, the President's Council of Advisors on Science and Technology shall nominate for appointment to the Board under paragraph (1) not less than 18 individuals who meet the qualifications described in paragraph (3).

(3) QUALIFICATIONS.—Each individual nominated for appointment to the Board under paragraph (1) shall—

(A) be eminent in the field of economics or workforce development;

(B) have expertise in relevant traditional energy industries and clean energy industries;

(C) have expertise in secondary and postsecondary education;

(D) have expertise in energy workforce development or apprentice programs of States and units of local government;

(E) have expertise in relevant organized labor organizations; or

(F) have expertise in bringing underrepresented groups, including ethnic minorities, women, veterans, and socioeconomically disadvantaged individuals, into the workforce.

(4) REPRESENTATION.—The membership of the Board shall be representative of the broad range of the energy industry, labor organizations, workforce development, education, minority participation, cybersecurity, and economics disciplines related to activities carried out under this section.

(5) LIMITATION.—No individual shall be nominated for appointment to the Board who is an employee of an entity applying for a grant under section 3602.

(c) ADVISORY BOARD REVIEW AND RECOMMENDATIONS.—

(1) DETERMINATION BY BOARD.—In developing the strategy required under subsection (a), the Board shall—

(A) determine whether there are opportunities to more effectively and efficiently use the capabilities of the Department in the development of a skilled energy workforce;

(B) identify ways in which the Department could work with other relevant Federal agencies, States, units of local government, educational institutions, labor, and industry in the development of a skilled energy workforce;

(C) identify ways in which the Department and National Laboratories can—

(i) increase outreach to minority-serving institutions; and

(ii) make resources available to increase the number of skilled minorities and women trained to go into the energy- and manufacturing-related sectors;

(D) identify ways in which the Department and National Laboratories can—

(i) increase outreach to displaced and unemployed energy sector workers; and

(ii) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

(E) identify the energy sectors in greatest need of workforce training and develop guidelines for the skills necessary to develop a workforce trained to work in those energy sectors.

(2) REQUIRED ANALYSIS.—In developing the strategy required under subsection (a), the Board shall analyze the effectiveness of—

(A) existing Department directed support; and

(B) developing energy workforce training programs.

(3) REPORT.—Not later than 1 year after the date on which the Board is established under this section, and each year thereafter, the Board shall submit to the Secretary and

Congress, and make public, a report containing the findings of the Board and model energy curricula with respect to the strategy required to be developed under subsection (a).

(d) REPORT BY SECRETARY.—Not later than 18 months after the date on which the Board is established under this section, the Secretary shall submit to the Committees on Appropriations of Senate and the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) describes whether the Secretary approves or disapproves the recommendations of the Board under subsection (c)(3); and

(2) provides an implementation plan for recommendations approved by the Board under paragraph (1).

(e) CLEARINGHOUSE.—Based on the recommendations of the Board, the Secretary shall establish a clearinghouse—

(1) to maintain and update information and resources on training and workforce development programs for energy- and manufacturing-related jobs; and

(2) to act as a resource, and provide guidance, for secondary schools, institutions of higher education (including community colleges and minority-serving institutions), workforce development organizations, labor management organizations, and industry organizations that would like to develop and implement energy- and manufacturing-related training programs.

(f) OUTREACH TO MINORITY-SERVING INSTITUTIONS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions (including historically black colleges and universities, predominantly black institutions, Hispanic serving institutions, and tribal institutions);

(2) make resources available to minority-serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors; and

(3) encourage industry to improve the opportunities for students of minority-serving institutions to participate in industry internships and cooperative work-study programs.

(g) SUNSET.—The Board established under this section shall remain in effect until September 30, 2020.

SEC. 3602. ENERGY WORKFORCE PILOT GRANT PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall establish a pilot program to award grants on a competitive basis to eligible entities for job training programs that lead to an industry-recognized credential.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a public or nonprofit organization or a consortium of public or nonprofit organizations that—

(1) includes an advisory board of proportional participation, as determined by the Secretary, of relevant organizations, including—

(A) relevant energy industry organizations, including public and private employers;

(B) labor organizations;

(C) postsecondary education organizations; and

(D) workforce development boards;

(2) demonstrates experience in implementing and operating job training and education programs;

(3) demonstrates the ability to recruit and support individuals who plan to work in the energy industry in the successful completion of relevant job training and education programs; and

(4) provides students who complete the job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—Eligible entities desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In selecting eligible entities to receive grants under this section, the Secretary shall prioritize applicants that—

(1) house the job training and education programs in—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college, institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State (as defined in 202 of the Energy Conservation and Production Act (42 U.S.C. 6802)) (referred to in this section as the ''State'');

(2) work with the Secretary of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), tribal organizations (as defined in section 3765 of title 38, United States Code), and Native American veterans (as defined in section 3765 of title 38, United States Code), including veterans who are a descendant of an Alaska Native (as defined in section 3(r) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(r)));

(4) apply as a State or regional consortia to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) have a State-supported entity included in the consortium applying for the grant;

(6) include an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provide support services and career coaching;

(8) provide introductory energy workforce development training;

(9) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;

(10) provide job training for displaced and unemployed workers in the energy sector;

(11) establish a community college or 2-year technical college-based ''Center of Excellence'' for an energy and maritime workforce technical training program; or

(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes.

(e) ADDITIONAL CONSIDERATION.—In making grants under this section, the Secretary shall consider regional diversity.

(f) LIMITATION ON APPLICATIONS.—An eligible entity may not submit, either individually or as part of a joint application, more than 1 application for a grant under this section during any 1 fiscal year.

(g) LIMITATIONS ON AMOUNT OF GRANT.—The amount of an individual grant for any 1 year shall not exceed $1,000,000.

(h) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a job training and education program carried out using a grant under this section shall be not greater than 65 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a job training and education program carried out using a grant under this section shall consist of not less than 50 percent cash.

(B) LIMITATION.—Not greater than 50 percent of the non-Federal contribution of the total cost of a job training and education program carried out using a grant under this section shall be in the form of in-kind contributions of goods or services fairly valued.

(i) REDUCTION OF DUPLICATION.—Prior to submitting an application for a grant under this section, each applicant shall consult with the appropriate agencies of the Federal Government and coordinate the proposed activities of the applicant with existing State and local programs.

(j) DIRECT ASSISTANCE.—In awarding grants under this section, the Secretary shall provide direct assistance (including technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to entities that receive a grant under this section.

(k) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and capacity building to national and State energy partnerships, including the entities described in subsection (b)(1), to leverage the existing job training and education programs of the Department.

(l) REPORT.—The Secretary shall submit to Congress and make publicly available on the website of the Department an annual report on the program established under this section, including a description of—

(1) the entities receiving grants;

(2) the activities carried out using the grants;

(3) best practices used to leverage the investment of the Federal Government;

(4) the rate of employment for participants after completing a job training and education program carried out using a grant; and

(5) an assessment of the results achieved by the program.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2020.

Subtitle H—Recycling

SEC. 3701. RECYCLED CARBON FIBER.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study on—

(A) the technology of recycled carbon fiber and production waste carbon fiber; and

(B) the potential lifecycle energy savings and economic impact of recycled carbon fiber.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the quantity of recycled carbon fiber or production waste carbon fiber that would make the use of recycled carbon fiber or production waste carbon fiber economically viable;

(B) any existing or potential barriers to recycling carbon fiber or using recycled carbon fiber;

(C) any financial incentives that may be necessary for the development of recycled carbon fiber or production waste carbon fiber;

(D) the potential lifecycle savings in energy from producing recycled carbon fiber, as compared to producing new carbon fiber;

(E) the best and highest use for recycled carbon fiber;

(F) the potential reduction in carbon dioxide emissions from producing recycled carbon fiber, as compared to producing new carbon fiber;

(G) any economic benefits gained from using recycled carbon fiber or production waste carbon fiber;

(H) workforce training and skills needed to address labor demands in the development of recycled carbon fiber or production waste carbon fiber; and

(I) how the Department can leverage existing efforts in the industry on the use of production waste carbon fiber.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).

(b) RECYCLED CARBON FIBER DEMONSTRATION PROJECT.—On completion of the study required under subsection (a)(1), the Secretary shall consult with the aviation and automotive industries and existing programs of the Advanced Manufacturing Office of the Department to develop a carbon fiber recycling demonstration project.

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

SEC. 3702. ENERGY GENERATION AND REGULATORY RELIEF STUDY REGARDING RECOVERY AND CONVERSION OF NONRECYCLED MIXED PLASTICS.

(a) DEFINITIONS.—In this section:

(1) ENGINEERED FUEL.—The term ''engineered fuel'' means a solid fuel that is manufactured from nonrecycled constituents of municipal solid waste or other secondary materials.

(2) GASIFICATION.—The term ''gasification'' means a process through which nonrecycled waste is heated and converted to synthesis gas in an oxygen-deficient atmosphere, which can be converted into fuels such as ethanol or other chemical feedstocks.

(3) PYROLYSIS.—The term ''pyrolysis'' means a process through which nonrecycled plastics are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted into synthetic crude oil or refined into synthetic fuels and feedstocks such as diesel or naphtha.

(b) STUDY.—With respect to nonrecycled mixed plastics that are part of municipal solid waste or other secondary materials in the United States (and are often deposited in landfills), the Secretary shall conduct a study to determine the manner in which the United States can make progress toward a cost-effective system (including with respect to environmental issues) through which pyrolysis, gasification, and other innovative technologies such as engineered fuels are used to convert such plastics, alone or in combination with other municipal solid waste or secondary materials, into materials that can be used to generate electric energy or fuels or as chemical feedstocks.

(c) COMPLETION OF STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the study described in subsection (b) and submit to the appropriate committees of Congress reports providing findings and recommendations developed through the study.

(d) FUNDING.—The Secretary may use unobligated funds of the Department to carry out this section.

SEC. 3703. ELIGIBLE PROJECTS.

Section 1703(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(1)) is amended by inserting ''(excluding the burning of commonly recycled paper that has been segregated from solid waste to generate electricity)'' after ''systems''.

SEC. 3704. PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment of Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; and

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

Subtitle I—Thermal Energy

SEC. 3801. MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) (as amended by section 3001(b)) is amended—

(1) in subsection (a), by inserting ''a number equivalent to'' before ''the total amount of electric energy'';

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

''(2) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

''(A) exhaust heat or flared gas from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

''(C) a pressure drop in any gas for an industrial or commercial process; or

''(D) such other forms of waste heat as the Secretary determines appropriate.''; and

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ''produced from'' and inserting ''produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by,''; and

(ii) by inserting ''qualified waste heat resource,'' after ''municipal solid waste,''; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(C) by adding at the end the following:

''(2) SEPARATE CALCULATION.—

''(A) IN GENERAL.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.

''(B) DENIAL OF DOUBLE BENEFIT.—Avoided energy consumption that is considered to be renewable energy produced under subparagraph (A) shall not also be counted for purposes of achieving compliance with another Federal energy efficiency goal.''.

(b) CONFORMING AMENDMENT.—Section 2410q(a) of title 10, United States Code, is amended by striking ''section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2))'' and inserting ''section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))''.

TITLE IV—ACCOUNTABILITY

Subtitle A—Loan Programs

SEC. 4001. TERMS AND CONDITIONS FOR INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) BORROWER PAYMENT OF SUBSIDY COST.—

(1) IN GENERAL.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

''(l) BORROWER PAYMENT OF SUBSIDY COST.—

''(1) IN GENERAL.—In addition to the requirement in subsection (b)(1), no guarantee shall be made unless the Secretary has received from the borrower not less than 25 percent of the cost of the guarantee.

''(2) ESTIMATE.—The Secretary shall provide to the borrower, as soon as practicable, an estimate or range of the cost of the guarantee under paragraph (1).''.

(2) CONFORMING AMENDMENT.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) is amended—

(A) by striking ''(1) IN GENERAL.—No guarantee'' and inserting the following: ''Subject to subsection (l), no guarantee'';

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and indenting appropriately; and

(C) in paragraph (3) (as so redesignated)—

(i) by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(ii) by striking ''subparagraph (B)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2019.

(b) PROHIBITION ON SUBORDINATION OF DEBT.—Section 1702(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(3)) is amended by striking ''is not subordinate'' and inserting ''(including any reorganization, restructuring, or termination of the obligation) shall not at any time be subordinate''.

(c) LOAN PROGRAM TRANSPARENCY.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) LOAN STATUS.—

''(1) REQUEST.—If the Secretary does not make a final decision on an application for a loan guarantee under this section by the date that is 270 days after receipt of the application by the Secretary, on that date and every 90 days thereafter until the final decision is made, the applicant may request that the Secretary provide to the applicant a description of the status of the application.

''(2) RESPONSE.—Not later than 10 days after receiving a request from an applicant under paragraph (1), the Secretary shall provide to the applicant a response that includes—

''(A) a summary of any factors that are delaying a final decision on the application; and

''(B) an estimate of when review of the application will be completed.''.

(d) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.—

(1) REPEAL.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is repealed.

(2) RESCISSION.—There is rescinded the unobligated balance of amounts made available to carry out the loan guarantee program established under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) (before the amendment made by paragraph (1)).

(3) MANAGEMENT.—The Secretary shall ensure rigorous continued management and oversight of all outstanding loans guaranteed under the program described in subsection (b) until those loans have been repaid in full.

SEC. 4002. STATE LOAN ELIGIBILITY.

(a) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

''(6) STATE.—The term 'State' has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

''(7) STATE ENERGY FINANCING INSTITUTION.—

''(A) IN GENERAL.—The term 'State energy financing institution' means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

''(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

''(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

''(B) INCLUSION.—The term 'State energy financing institution' includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian tribal entity or an Alaska Native Corporation.''.

(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) (as amended by section 4001(a)(1)) is amended—

(1) in subsection (a), by inserting ''or to a State energy financing institution'' after ''for projects''; and

(2) by adding at the end the following:

''(m) STATE ENERGY FINANCING INSTITUTIONS.—

''(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a State energy financing institution—

''(A) shall meet the requirements of section 1703(a)(1); and

''(B) shall not be required to meet the requirements of section 1703(a)(2).

''(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a loan guarantee under this title, State energy financing institutions may enter into partnerships with private entities, tribal entities, and Alaska Native corporations.

''(3) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this subsection shall not be available to be used for the cost of loan guarantees made to State energy financing institutions under this subsection.''.

SEC. 4003. GAO STUDY ON FOSSIL LOAN GUARANTEE INCENTIVE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out, and submit to Congress a report describing the results of, a study on the effectiveness of the advanced fossil loan guarantee incentive program and other incentive programs for advanced fossil energy of the Department.

(b) CONTENTS.—In carrying out the study under subsection (a), the Comptroller General of the United States shall—

(1) solicit industry and stakeholder input;

(2) evaluate the effectiveness of the advanced fossil loan guarantee incentive program, alone or in combination with other incentives, in advancing carbon capture and storage technology;

(3) review each Federal incentive provided by the Department and other Federal agencies for carbon capture and storage demonstration projects to determine the adequacy and effectiveness of the combined Federal incentives in advancing carbon capture and storage and advanced fossil energy technologies;

(4) assess whether combinations of the incentive programs in existence as of the date of enactment of this Act could be effective to advance carbon capture and storage and advanced fossil energy technologies; and

(5) evaluate the impact and costs of implementing the recommendations described in the January 2015 National Coal Council report entitled ''Fossil Forward: Revitalizing CCS, Bringing Scale and Speed to CCS Deployment'' on the effectiveness of the advanced fossil loan guarantee program.

SEC. 4004. PROGRAM ELIGIBILITY FOR VESSELS.

Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

''SEC. 137. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM ELIGIBILITY FOR VESSELS.

''(a) DEFINITION OF VESSEL.—In this section, the term 'vessel' means a vessel (as defined in section 3 of title 1, United States Code), whether in existence or under construction, that has been issued a certificate of documentation as a United States flagged vessel under chapter 121 of title 46, United States Code and that meets the standards established under section 4005(a) of the Energy Policy Modernization Act of 2016.

''(b) ELIGIBILITY.—Subject to the terms and conditions of subsections (d) and (f) of section 136, projects for the reequipping, expanding, or establishing of a manufacturing facility in the United States to produce vessels shall be considered eligible for direct loans under section 136(d).

''(c) FUNDING.—

''(1) PROHIBITION ON USE OF EXISTING CREDIT SUBSIDY.—None of the projects made eligible under this section shall be eligible to receive any credit subsidy provided under section 136 before the date of enactment of this section.

''(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—The authority under this section to incur indebtedness, or enter into contracts, obligating amounts to be expended by the Federal Government shall be effective for any fiscal year only—

''(A)(i) to such extent or in such amounts as are provided in advance by appropriation Acts; and

''(ii) if the borrower has agreed to pay a reasonable percentage of the cost of the obligation; or

''(B) if the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.''.

SEC. 4005. ADDITIONAL REFORMS.

(a) ISSUANCE OF RULE.—Not later than 180 days after the date of enactment of this Act and after consultation with, and taking into account comments from, the vessel industry, the Secretary shall issue a rule that specifies which energy efficiency improvement standards shall apply to applicants for loans under section 137 of the Energy Independence and Security Act of 2007 (as added by section 4004) for the manufacturing, retrofitting, or repowering vessels that have been issued certificates of documentation as United States flagged vessels under chapter 121 of title 46, United States Code.

(b) FEES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended by striking subsection (f) and inserting the following:

''(f) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loans provided under this section in amounts that the Secretary determines are sufficient to cover applicable administrative expenses associated with the loans, including reasonable closing fees on the loans.

''(2) AVAILABILITY.—Fees collected under paragraph (1) shall—

''(A) be deposited by the Secretary into the Treasury; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.''.

SEC. 4006. DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.

Section 2602(b)(6) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(6)) is amended by striking ''2016'' and inserting ''2026''.

Subtitle B—Energy-Water Nexus

SEC. 4101. NEXUS OF ENERGY AND WATER FOR SUSTAINABILITY.

(a) DEFINITIONS.—In this section:

(1) ENERGY-WATER NEXUS.—The term ''energy-water nexus'' means the links between—

(A) the water needed to produce fuels, electricity, and other forms of energy; and

(B) the energy needed to transport, reclaim, and treat water and wastewater.

(2) INTERAGENCY COORDINATION COMMITTEE.—The term ''Interagency Coordination Committee'' means the Committee on the Nexus of Energy and Water for Sustainability (or the ''NEWS Committee'') established under subsection (b)(1).

(3) NEXUS OF ENERGY AND WATER SUSTAINABILITY OFFICE; NEWS OFFICE.—The term ''Nexus of Energy and Water Sustainability Office'' or the ''NEWS Office'' means an office located at the Department and managed in cooperation with the Department of the Interior pursuant to an agreement between the 2 agencies to carry out leadership and administrative functions for the Interagency Coordination Committee.

(4) RD&D ACTIVITIES.—The term ''RD&D activities'' means research, development, and demonstration activities.

(b) INTERAGENCY COORDINATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall establish the joint NEWS Office and Interagency Coordination Committee on the Nexus of Energy and Water for Sustainability (or the ''NEWS Committee'') to carry out the duties described in paragraph (3).

(2) ADMINISTRATION.—

(A) CHAIRS.—The Secretary and the Secretary of the Interior shall jointly manage the NEWS Office and serve as co-chairs of the Interagency Coordination Committee.

(B) MEMBERSHIP; STAFFING.—Membership and staffing shall be determined by the co-chairs.

(3) DUTIES.—The Interagency Coordination Committee shall—

(A) serve as a forum for developing common Federal goals and plans on energy-water nexus RD&D activities in coordination with the National Science and Technology Council;

(B) not later than 1 year after the date of enactment of this Act, and biannually thereafter, issue a strategic plan on energy-water nexus RD&D activities priorities and objectives;

(C) convene and promote coordination of the activities of Federal departments and agencies on energy-water nexus RD&D activities, including the activities of—

(i) the Department;

(ii) the Department of the Interior;

(iii) the Corps of Engineers;

(iv) the Department of Agriculture;

(v) the Department of Defense;

(vi) the Department of State;

(vii) the Environmental Protection Agency;

(viii) the Council on Environmental Quality;

(ix) the National Institute of Standards and Technology;

(x) the National Oceanic and Atmospheric Administration;

(xi) the National Science Foundation;

(xii) the Office of Management and Budget;

(xiii) the Office of Science and Technology Policy;

(xiv) the National Aeronautics and Space Administration; and

(xv) such other Federal departments and agencies as the Interagency Coordination Committee considers appropriate;

(D)(i) coordinate and develop capabilities and methodologies for data collection, management, and dissemination of information related to energy-water nexus RD&D activities from and to other Federal departments and agencies; and

(ii) promote information exchange between Federal departments and agencies—

(I) to identify and document Federal and non-Federal programs and funding opportunities that support basic and applied research, development, and demonstration proposals to advance energy-water nexus related science and technologies;

(II) to leverage existing programs by encouraging joint solicitations, block grants, and matching programs with non-Federal entities; and

(III) to identify opportunities for domestic and international public-private partnerships, innovative financing mechanisms, information and data exchange;

(E) promote the integration of energy-water nexus considerations into existing Federal water, energy, and other natural resource, infrastructure, and science programs at the national and regional levels and with programs administered in partnership with non-Federal entities; and

(F) not later than 1 year after the date of enactment of this Act, issue a report on the potential benefits and feasibility of establishing an energy-water center of excellence within the National Laboratories (as that term is defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).

(4) NO REGULATION.—Nothing in this subsection grants to the Interagency Coordination Committee the authority to promulgate regulations or set standards.

(5) REVIEW; REPORT.—At the end of the 5-year period beginning on the date on which the Interagency Coordination Committee and NEWS Office are established, the NEWS Office shall—

(A) review the activities, relevance, and effectiveness of the Interagency Coordination Committee; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives a report that—

(i) describes the results of the review conducted under subparagraph (A); and

(ii) includes a recommendation on whether the Interagency Coordination Committee should continue.

(c) CROSSCUT BUDGET.—Not later than 30 days after the President submits the budget of the United States Government under section 1105 of title 31, United States Code, the co-chairs of the Interagency Coordination Committee (acting through the NEWS Office) shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives, an interagency budget crosscut report that displays at the program-, project-, and activity-level for each of the Federal agencies that carry out or support (including through grants, contracts, interagency and intraagency transfers, and multiyear and no-year funds) basic and applied RD&D activities to advance the energy-water nexus related science and technologies—

(1) the budget proposed in the budget request of the President for the upcoming fiscal year;

(2) expenditures and obligations for the prior fiscal year; and

(3) estimated expenditures and obligations for the current fiscal year.

SEC. 4102. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

Subtitle A of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16191 et seq.) is amended by adding at the end the following:

"SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a utility;

''(B) a municipality;

''(C) a water district;

''(D) an Indian tribe or Alaska Native village; and

''(E) any other authority that provides water, wastewater, or water reuse services.

''(2) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—The term 'smart energy and water efficiency pilot program' or 'pilot program' means the pilot program established under subsection (b).

''(b) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a smart energy and water efficiency pilot program in accordance with this section.

''(2) PURPOSE.—The purpose of the smart energy and water efficiency pilot program is to award grants to eligible entities to demonstrate unique, advanced, or innovative technology-based solutions that will—

''(A) increase the energy efficiency of water, wastewater, and water reuse systems;

''(B) improve energy efficiency of water, wastewater, and water reuse systems to help communities across the United States make measurable progress in conserving water, saving energy, and reducing costs;

''(C) support the implementation of innovative and unique processes and the installation of established advanced automated systems that provide real-time data on energy and water; and

''(D) improve energy-water conservation and quality and predictive maintenance through technologies that utilize internet connected technologies, including sensors, intelligent gateways, and security embedded in hardware.

''(3) PROJECT SELECTION.—

''(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

''(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

''(i) energy and cost savings;

''(ii) the uniqueness, commercial viability, and reliability of the technology to be used;

''(iii) the degree to which the project integrates next-generation sensors software, analytics, and management tools;

''(iv) the anticipated cost-effectiveness of the pilot project through measurable energy efficiency savings, water savings or reuse, and infrastructure costs averted;

''(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented in a wide range of applications ranging in scale from small towns to large cities, including tribal communities;

''(vi) whether the technology has been successfully deployed elsewhere;

''(vii) whether the technology was sourced from a manufacturer based in the United States; and

''(viii) whether the project will be completed in 5 years or less.

''(C) APPLICATIONS.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

''(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

''(I) a description of the project;

''(II) a description of the technology to be used in the project;

''(III) the anticipated results, including energy and water savings, of the project;

''(IV) a comprehensive budget for the project;

''(V) the names of the project lead organization and any partners;

''(VI) the number of users to be served by the project;

''(VII) a description of the ways in which the proposal would meet performance measures established by the Secretary; and

''(VIII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Not later than 300 days after the date of enactment of this section, the Secretary shall select grant recipients under this section.

''(B) EVALUATIONS.—

''(i) ANNUAL EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that meets performance measures and benchmarks developed by the Secretary, consistent with the purposes of this section.

''(ii) REQUIREMENTS.—Consistent with the performance measures and benchmarks developed under clause (i), in carrying out an evaluation under that clause, the Secretary shall—

''(I) evaluate the progress and impact of the project; and

''(II) assesses the degree to which the project is meeting the goals of the pilot program.

''(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance.

''(D) BEST PRACTICES.—The Secretary shall make available to the public through the Internet and other means the Secretary considers to be appropriate—

''(i) a copy of each evaluation carried out under subparagraph (B); and

''(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

''(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.''.

Subtitle C—Innovation

SEC. 4201. AMERICA COMPETES PROGRAMS.

(a) BASIC RESEARCH.—Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(8) $5,423,000,000 for fiscal year 2016;

''(9) $5,808,000,000 for fiscal year 2017;

''(10) $6,220,000,000 for fiscal year 2018;

''(11) $6,661,000,000 for fiscal year 2019; and

''(12) $7,134,000,000 for fiscal year 2020.''.

(b) ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.—Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (a)(3), by striking ''subsection (n)(1)'' and inserting ''subsection (o)(1)'';

(2) in subsection (i), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—To the maximum extent practicable, the Director shall ensure that—

''(A) the activities of ARPA–E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies; and

''(B) ARPA–E does not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.'';

(3) by redesignating subsection (n) as subsection (o);

(4) by inserting after subsection (m) the following:

''(n) PROTECTION OF INFORMATION.—The following types of information collected by the ARPA–E from recipients of financial assistance awards shall be considered commercial and financial information obtained from a person and privileged or confidential and not subject to disclosure under section 552(b)(4) of title 5, United States Code:

''(1) Plans for commercialization of technologies developed under the award, including business plans, technology-to-market plans, market studies, and cost and performance models.

''(2) Investments provided to an awardee from third parties (such as venture capital firms, hedge funds, and private equity firms), including amounts and the percentage of ownership of the awardee provided in return for the investments.

''(3) Additional financial support that the awardee—

''(A) plans to or has invested into the technology developed under the award; or

''(B) is seeking from third parties.

''(4) Revenue from the licensing or sale of new products or services resulting from research conducted under the award.''; and

(5) in subsection (o) (as redesignated by paragraph (3))—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''paragraphs (4) and (5)'' and inserting ''paragraph (4)'';

(ii) in subparagraph (D), by striking ''and'' at the end;

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

(iv) by adding at the end the following:

''(F) $325,000,000 for each of fiscal years 2016 through 2018; and

''(G) $375,000,000 for each of fiscal years 2019 and 2020.''; and

(B) in paragraph (4)(B), by striking ''(c)(2)(D)'' and inserting ''(c)(2)(C)''.

SEC. 4202. INCLUSION OF EARLY STAGE TECHNOLOGY DEMONSTRATION IN AUTHORIZED TECHNOLOGY TRANSFER ACTIVITIES.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) EARLY STAGE TECHNOLOGY DEMONSTRATION.—The Secretary shall permit the directors of the National Laboratories to use funds authorized to support technology transfer within the Department to carry out early stage and precommercial technology demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.''.

SEC. 4203. SUPPORTING ACCESS OF SMALL BUSINESS CONCERNS TO NATIONAL LABORATORIES.

(a) DEFINITIONS.—In this section:

(1) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ACTIONS FOR INCREASED ACCESS AT NATIONAL LABORATORIES FOR SMALL BUSINESS CONCERNS.—To promote the technology transfer of innovative energy technologies and enhance the competitiveness of the United States, the Secretary shall take such actions as are appropriate to facilitate access to the National Laboratories for small business concerns.

(c) INFORMATION ON THE DOE WEBSITE RELATING TO NATIONAL LABORATORY PROGRAMS AVAILABLE TO SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Directors of the National Laboratories, shall—

(A) publish in a consolidated manner on the website of the Department information relating to National Laboratory programs that are available to small business concerns;

(B) provide for the information published under subparagraph (A) to be kept up-to-date; and

(C) include in the information published under subparagraph (A), information on each available program under which small business concerns are eligible to enter into agreements to work with the National Laboratories.

(2) COMPONENTS.—The information published on the Department website under paragraph (1) shall include—

(A) a brief description of each agreement available to small business concerns to work with National Laboratories;

(B) a step-by-step guide for completing agreements to work with National Laboratories;

(C) best practices for working with National Laboratories;

(D) individual National Laboratory websites that provide information specific to technology transfer and working with small business concerns;

(E) links to funding opportunity announcements, nonfinancial resources, and other programs available to small business concerns; and

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

(3) ACCESSIBILITY.—The information published on the Department website under paragraph (1) shall be—

(A) readily accessible and easily found on the Internet by the public and members and committees of Congress; and

(B) presented in a searchable, machine-readable format.

(4) GUIDANCE.—The Secretary shall issue Departmental guidance to ensure that the information published on the Department website under paragraph (1) is provided in a manner that presents a coherent picture of all National Laboratory programs that are relevant to small business concerns.

SEC. 4204. MICROLAB TECHNOLOGY COMMERCIALIZATION.

(a) DEFINITIONS.—In this section:

(1) MICROLAB.—The term ''microlab'' means a small laboratory established by the Secretary under subsection (b).

(2) NATIONAL LABORATORY.—The term ''national laboratory'' means—

(A) a National Laboratory, as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(B) a national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(b) ESTABLISHMENT OF MICROLAB PROGRAM.—

(1) IN GENERAL.—The Secretary, in collaboration with the directors of national laboratories, may establish a microlab program under which the Secretary establishes microlabs that are located in close proximity to national laboratories and that are accessible to the public for the purposes of—

(A) enhancing collaboration with regional research groups, such as institutions of higher education and industry groups;

(B) accelerating technology transfer from national laboratories to the marketplace; and

(C) promoting regional workforce development through science, technology, engineering, and mathematics (''STEM'') instruction and training.

(2) CRITERIA.—In determining the placement of microlabs under paragraph (1), the Secretary shall consider—

(A) the commitment of a national laboratory to establishing a microlab;

(B) the existence of a joint research institute or a new facility that—

(i) is not on the main site of a national laboratory;

(ii) is in close proximity to a national laboratory; and

(iii) has the capability to house a microlab;

(C) whether employees of a national laboratory and persons from academia, industry, and government are available to be assigned to the microlab; and

(D) cost-sharing or in-kind contributions from State and local governments and private industry.

(3) TIMING.—If the Secretary, in collaboration with the directors of national laboratories, elects to establish a microlab program under this subsection, the Secretary, in collaboration with the directors of national laboratories, shall—

(A) not later than 60 days after the date of enactment of this Act, begin the process of determining the placement of microlabs under paragraph (1); and

(B) not later than 180 days after the date of enactment of this Act, implement the microlab program under this subsection.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report that provides an update on the implementation of the microlab program under subsection (b).

(2) PROGRESS REPORT.—Not later than 1 year after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the

Committee on Science, Space, and Technology of the House of Representatives a report on the microlab program under subsection (b), including findings and recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 2016.

SEC. 4205. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

It is the sense of the Senate that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions; and

(C) recognizing the financial constraints of the Department, regularly reviewing clean energy programs to ensure that taxpayer investments are maximized;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress, the Secretary, and energy industry participants should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth;

(C) are critical for energy security; and

(D) are sustainable without government support.

SEC. 4206. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.

The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

SEC. 4207. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL COORDINATING SUBCOMMITTEE FOR HIGH-ENERGY PHYSICS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the National Science and Technology Council shall establish a subcommittee to coordinate Federal efforts relating to high-energy physics research (referred to in this section as the ''subcommittee'').

(b) PURPOSES.—The purposes of the subcommittee are—

(1) to maximize the efficiency and effectiveness of United States investment in high-energy physics; and

(2) to support a robust, internationally competitive United States high-energy physics program that includes—

(A) underground science and engineering research; and

(B) physical infrastructure.

(c) CO-CHAIRS.—The Director of the National Science Foundation and the Secretary shall serve as co-chairs of the subcommittee.

(d) RESPONSIBILITIES.—The responsibilities of the subcommittee shall be—

(1) to provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(2) to provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies;

(3) to establish goals and priorities for high-energy physics, underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(4) to propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the subcommittee to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(5) to develop, and update once every 5 years, a strategic plan to guide Federal programs and activities in support of high-energy physics research.

(e) ANNUAL REPORT.—Annually, the subcommittee shall update Congress regarding—

(1) efforts taken in support of the strategic plan described in subsection (d)(5);

(2) an evaluation of the needs for maintaining United States leadership in high-energy physics; and

(3) identification of priorities in the area of high-energy physics.

(f) SUNSET.—The subcommittee shall terminate on the date that is 10 years after the date of enactment of this Act.

Subtitle D—Grid Reliability

SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT STATEMENT.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by adding at the end the following:

''(1) RELIABILITY IMPACT STATEMENT.—

''(1) SOLICITATION BY COMMISSION.—Not later than 15 days after the date on which the head of a Federal agency proposes a major rule (as defined in section 804 of title 5, United States Code) that may significantly affect the reliable operation of the bulk-power system, the Commission shall solicit from the ERO, who shall coordinate with regional entities affected by the proposed rule, a reliability impact statement with respect to the proposed rule.

''(2) REQUIREMENTS.—A reliability impact statement under paragraph (1) shall include a detailed statement on—

''(A) the impact of the proposed rule on the reliable operation of the bulk-power system;

''(B) any adverse effects on the reliable operation of the bulk-power system if the proposed rule was implemented; and

''(C) alternatives to cure the identified adverse reliability impacts, including a no-action alternative.

''(3) SUBMISSION TO COMMISSION AND CONGRESS.—On completion of a reliability impact statement under paragraph (1), the ERO shall submit to the Commission and Congress the reliability impact statement.

''(4) TRANSMITTAL TO HEAD OF FEDERAL AGENCY.—On receipt of a reliability impact statement submitted to the Commission under paragraph (3), the Commission shall transmit to the head of the applicable Federal agency the reliability impact statement prepared under this subsection for inclusion in the public record.

''(5) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to a reliability impact statement prepared under paragraph (1), the head of the Federal agency shall—

''(A) consider the reliability impact statement;

''(B) give due weight to the technical expertise of the ERO with respect to matters that are the subject of the reliability impact statement; and

''(C) include in the final rule a detailed response to the reliability impact statement that reasonably addresses the detailed statements required under paragraph (2).''.

SEC. 4302. REPORT BY TRANSMISSION ORGANIZATIONS ON DIVERSITY OF SUPPLY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC GENERATING CAPACITY RESOURCE.—

(A) IN GENERAL.—The term ''electric generating capacity resource'' means an electric generating resource, as measured by the maximum load-carrying ability of the resource, exclusive of station use and planned, unplanned, or other outage or derating subject to dispatch by the transmission organization to meet the resource adequacy needs of the systems operated by the transmission organization.

(B) EFFECT.—The term ''electric generating capacity resource'' does not address non-electric generating resources that are qualified as capacity resources in the tariffs of various transmission organizations as of the date of enactment of this Act.

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

(b) REPORT.—

(1) NOTICE.—Not later than 14 days after the date of enactment of this Act, the Commission (as the term is defined in section 3 of the Federal Power Act (16 U.S.C. 796)) shall submit to each transmission organization that has a tariff on file with the Commission that includes provisions addressing the procurement of electric generating capacity resources, a notice that the transmission organization is required to file with the Commission a report in accordance with paragraph (2).

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

(A)(i) identifies electric generating capacity resources that are available to the transmission organization as of the date of the report; and

(ii) describes the primary energy sources and operational characteristics of electric capacity resources available, in the aggregate, to the transmission organization;

(B) evaluates, using generally accepted metrics, the current operational performance, in the aggregate, of electric capacity resources;

(C) identifies, for the aggregate of electric generating capacity resources available to the transmission organization—

(i) over the short- and long-term periods in the planning cycle of the transmission organization, reasonable projections concerning the operational and economic risk profile of electric generating capacity resources;

(ii) the projected future needs of the transmission organization for electric generating capacity resources; and

(iii) the availability of transmission facilities and transmission support services necessary to provide for the transmission organization reasonable assurances of essential reliability services, including adequate voltage support; and

(D) assesses whether and to what extent the market rules of the transmission organization—

(i) yield capacity auction clearing prices that promote necessary and prudent investment;

(ii) yield energy market clearing prices that reflect the marginal cost of supply, taking into account transmission constraints

and other factors needed to ensure reliable grid operation;

(iii) produce meaningful price signals that clearly indicate where new supply and investment are needed;

(iv) reduce uncertainty or instability resulting from changes to market rules, processes, or protocols;

(v) promote transparency and communication by the market operator to market participants;

(vi) support a diverse generation portfolio and the availability of transmission facilities and transmission support services on a short- and long-term basis necessary to provide reasonable assurances of a continuous supply of electricity for customers of the transmission organization at the proper voltage and frequency; and

(vii) provide an enhanced opportunity for self-supply of electric generating capacity resources by electric cooperatives, Federal power marketing agencies, and State utilities with a service obligation (as those terms are defined in section 217(a)) of the Federal Power Act (16 U.S.C. 824q(a))) in a manner that is consistent with traditional utility business models and does not unduly affect wholesale market prices.

Subtitle E—Management

SEC. 4401. FEDERAL LAND MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) CADASTRE.—The term ''cadastre'' means an inventory of buildings and other real property (including associated infrastructure such as roads and utility transmission lines and pipelines) located on land administered by the Secretary, which is developed through collecting, storing, retrieving, or disseminating graphical or digital data and any information related to the data, including surveys, maps, charts, images, and services.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CADASTRE OF FEDERAL REAL PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to develop and maintain a current and accurate multipurpose cadastre to support Federal land management activities for the Department of the Interior;

(B) to incorporate any related inventories of Federal real property, including any inventories prepared under applicable land or resource management plans; and

(C) to enter into discussions with other Federal agencies to make the cadastre available for use by the agency to support agency management activities.

(2) COST-SHARING AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into cost-sharing agreements with other Federal agencies, and with States, Indian tribes, and local governments, to include any non-Federal land in a State in the cadastre.

(B) COST SHARE.—The Federal share of any cost agreement described in subparagraph (A) shall not exceed 50 percent of the total cost to a State, Indian tribe, or local government for the development of the cadastre of non-Federal land.

(3) CONSOLIDATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the real property inventories or any components of any cadastre or related inventories that—

(A) exist as of the date of enactment of this Act;

(B) are authorized by law or conducted by the Secretary; and

(C) are of sufficient accuracy to be included in the cadastre authorized under paragraph (1).

(4) COORDINATION.—In carrying out this subsection, the Secretary shall—

(A) participate (in accordance with section 216 of the E–Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347)) in the establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre for all users of the information;

(B) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to coordinating geographic data acquisition and access: the National Spatial Data Infrastructure) for the implementation of and compliance with such standards as may be applicable to the cadastre;

(C) make the cadastre interoperable with the Federal Real Property Profile established pursuant to Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(D) integrate with and leverage, to the maximum extent practicable, cadastre activities of units of State and local government; and

(E) use contracts with the private sector, if practicable, to provide such products and services as are necessary to develop the cadastre.

(c) TRANSPARENCY AND PUBLIC ACCESS.—The Secretary shall—

(1) make the cadastre required under this section publically available on the Internet in a graphically geoenabled and searchable format; and

(2) in consultation with the Secretary of Defense and the Secretary of Homeland Security, prevent the disclosure of the identity of any buildings or facilities, or information related to the buildings or facilities, if the disclosure would impair or jeopardize the national security or homeland defense of the United States.

(d) EFFECT.—Nothing in this section—

(1) creates any substantive or procedural right or benefit;

(2) authorizes any new surveying or mapping of Federal real property, except that a Federal agency may conduct a new survey to update the accuracy of the inventory data of the agency before storage on a cadaster; or

(3) authorizes—

(A) the evaluation of any real property owned by the United States for disposal; or

(B) new appraisals or assessments of the value of—

(i) real property; or

(ii) cultural or archaeological resources on any parcel of Federal land or other real property.

SEC. 4402. QUADRENNIAL ENERGY REVIEW.

(a) IN GENERAL.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) QUADRENNIAL ENERGY REVIEW TASK FORCE.—

''(1) ESTABLISHMENT.—The President shall establish a Quadrennial Energy Review Task Force (referred to in this section as the 'Task Force') to coordinate the Quadrennial Energy Review.

''(2) COCHAIRPERSONS.—The President shall designate appropriate senior Federal Government officials to be cochairpersons of the Task Force.

''(3) MEMBERSHIP.—The Task Force may be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Energy;

''(B) the Department of Commerce;

''(C) the Department of Defense;

''(D) the Department of State;

''(E) the Department of the Interior;

''(F) the Department of Agriculture;

''(G) the Department of the Treasury;

''(H) the Department of Transportation;

''(I) the Department of Homeland Security;

''(J) the Office of Management and Budget;

''(K) the National Science Foundation;

''(L) the Environmental Protection Agency; and

''(M) such other Federal agencies, and entities within the Executive Office of the President, as the President considers to be appropriate.

''(b) CONDUCT OF REVIEW.—

''(1) IN GENERAL.—Each Quadrennial Energy Review shall be conducted to—

''(A) provide an integrated view of important national energy objectives and Federal energy policy; and

''(B) identify the maximum practicable alignment of research programs, incentives, regulations, and partnerships.

''(2) ELEMENTS.—A Quadrennial Energy Review shall—

''(A) establish integrated, governmentwide national energy objectives in the context of economic, environmental, and security priorities;

''(B) recommend coordinated actions across Federal agencies;

''(C) assess and recommend priorities for research, development, and demonstration;

''(D) provide a strong analytical base for Federal energy policy decisions;

''(E) consider reasonable estimates of future Federal budgetary resources when making recommendations; and

''(F) be conducted with substantial input from—

''(i) Congress;

''(ii) the energy industry;

''(iii) academia;

''(iv) State, local, and tribal governments;

''(v) nongovernmental organizations; and

''(vi) the public.

''(c) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—The President—

''(A) shall publish and submit to Congress a report on the Quadrennial Energy Review once every 4 years; and

''(B) more frequently than once every 4 years, as the President determines to be appropriate, may prepare and publish interim reports as part of the Quadrennial Energy Review.

''(2) INCLUSIONS.—The reports described in paragraph (1) shall address or consider, as appropriate—

''(A) an integrated view of short-term, intermediate-term, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) potential executive actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) analysis of the existing and prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies as they relate to each of the energy use sectors; and

''(iii) other research that informs strategies to incentivize desired actions;

''(D) assessment of policy options to increase domestic energy supplies and energy efficiency;

''(E) evaluation of national and regional energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy-relevant programs;

''(G) mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(H) identification of demonstration projects;

''(I) identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(J) assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(K) identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(L) priority listing for implementation of objectives and actions taking into account estimated Federal budgetary resources;

''(M) analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(d) REPORT DEVELOPMENT.—The Secretary of Energy shall provide such support for the Quadrennial Energy Review with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section as may be requested by the cochairpersons designated under subsection (a)(2).

''(e) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 801 in the table of contents of such Act is amended to read as follows:

''Sec. 801. Quadrennial Energy Review.''.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SEC. 4403. STATE OVERSIGHT OF OIL AND GAS PROGRAMS.

On request of the Governor of a State, the Secretary of the Interior shall establish a program under which the Director of the Bureau of Land Management shall enter into a memorandum of understanding with the State to consider the costs and benefits of consistent rules and processes for the measurement of oil and gas production activities, inspection of meters or other measurement methodologies, and other operational activities, as determined by the Secretary of the Interior.

SEC. 4404. UNDER SECRETARY FOR SCIENCE AND ENERGY.

(a) IN GENERAL.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended—

(1) in paragraph (1), by striking ''for Science'' and inserting ''for Science and Energy (referred to in this subsection as the 'Under Secretary')'';

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''for Science''; and

(3) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''for Science'';

(B) in subparagraph (F), by striking ''and'' at the end;

(C) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(D) by inserting after subparagraph (G) the following:

''(H) establish appropriate linkages between offices under the jurisdiction of the Under Secretary; and

''(I) perform such functions and duties as the Secretary shall prescribe, consistent with this section.''.

(b) CONFORMING AMENDMENT.—Section 641(h)(2) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking ''Under Secretary for Science'' and inserting ''Under Secretary for Science and Energy''.

SEC. 4405. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

(a) IN GENERAL.—The Administrator of the Western Area Power Administration (referred to in this section as the ''Administrator'') shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a searchable database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system, rates charged to customers for power and transmission service.

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(4) For the corporate services office, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors;

(C) the number of full-time equivalents; and

(D) expenses charged to other Federal agencies or programs for the administration of programs not related to the marketing, transmission, or wheeling of Federal hydropower resources, including—

(i) overhead costs;

(ii) the number of contractors; and

(iii) the number of full-time equivalents.

(5) Capital expenditures, including—

(A) capital investments delineated by the year in which each investment is placed into service; and

(B) the sources of capital for each investment.

(b) REPORT.—Not less than once each year for the duration of the pilot project under this section, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) describes the annual estimated avoided costs and the savings as a result of the pilot project under this section; and

(2) includes a certification from the Administrator that—

(A) the rates for each power system do not recover costs and expenses recovered by other power systems; and

(B) each expense allocated by the corporate services office to an individual power system is only recovered once.

(c) TERMINATION.—The pilot project under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 4406. RESEARCH GRANTS DATABASE.

(a) IN GENERAL.—The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of every unclassified research and development project contract, grant, cooperative agreement, task order for federally funded research and development centers, or other transaction administered by the Department.

(b) CLASSIFIED PROJECTS.—Each year, the Secretary shall submit to the relevant committees of Congress a report that lists every classified project of the Department, including all relevant details of the projects.

(c) REQUIREMENTS.—Each listing described in subsections (a) and (b) shall include, at a minimum, for each listed project, the component carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name, and expected objectives and milestones.

(d) RELEVANT LITERATURE AND PATENTS.—To the maximum extent practicable, the Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

SEC. 4407. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section—

(1) the term ''BSEE'' means the Bureau of Safety and Environmental Enforcement;

(2) the term ''Chief Counsel'' means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term ''covered proposed rule'' means the proposed rule of the BSEE entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)); and

(4) the term ''small entity'' has the meaning given the term in section 601 of title 5, United States Code.

(b) REQUIREMENT TO CONDUCT REVIEW.—

(1) IN GENERAL.—If the BSEE issues a final rule for the covered proposed rule, then not later than 1 year after the effective date of the final rule the BSEE, in consultation with the Chief Counsel, shall complete a review of the final rule under section 610 of title 5, United States Code.

(2) ASSESSMENT OF ECONOMIC IMPACT.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall assess the economic impact of the final rule on small entities in the oil and gas supply chain.

(3) REPORT.—Not later than 180 days after the date on which the review is completed under this subsection, the BSEE, in consultation with the Chief Counsel, shall submit to Congress a report on the findings of the review.

SEC. 4408. ENERGY EMERGENCY RESPONSE EFFORTS OF THE DEPARTMENT.

(a) CONGRESSIONAL DECLARATION OF PURPOSE.—Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

''(20) To facilitate the development and implementation of a strategy for responding to energy infrastructure and supply emergencies through—

''(A) continuously monitoring and publishing information on the energy delivery and supply infrastructure of the United States, including electricity, liquid fuels, natural gas, and coal;

''(B) managing Federal strategic energy reserves;

''(C) advising national leadership during emergencies on ways to respond to and minimize energy disruptions; and

''(D) working with Federal agencies and State and local governments—

''(i) to enhance energy emergency preparedness; and

''(ii) to respond to and mitigate energy emergencies.''.

(b) UNDER SECRETARY FOR SCIENCE AND ENERGY.—Section 202(b)(4) of the Department of Energy Organization Act (42 U.S.C. 7132(b)(4)) (as amended by section 4404(a)(3)) is amended, in subparagraph (B), by inserting ''and applied energy'' before ''programs of the''.

(c) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by adding at the end the following:

''(12) Emergency response functions, including assistance in the prevention of, or in the response to, an emergency disruption of energy supply, transmission, and distribution.''.

SEC. 4409. GAO REPORT ON BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT STATUTORY AND REGULATORY AUTHORITY FOR THE PROCUREMENT OF HELICOPTER FUEL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that defines the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement with respect to legally procuring privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties not under contract with the Bureau of Safety and Environmental Enforcement or an agent of the Bureau of Safety and Environmental Enforcement.

SEC. 4410. CONVEYANCE OF FEDERAL LAND WITHIN THE SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY.

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of Agriculture, shall—

(1) survey the exterior boundaries of the tract of Federal land within the project boundary of the Swan Lake Hydroelectric Project (FERC No. 2911) as generally depicted and labeled ''Lost Creek'' on the map entitled ''Swan Lake Project Boundary—Lot 2'' and dated February 1, 2016; and

(2) issue a patent to the State of Alaska for the tract described in paragraph (1) in accordance with—

(A) the survey authorized under paragraph (1);

(B) section 6(a) of the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508); and

(C) section 24 of the Federal Power Act (16 U.S.C. 818).

SEC. 4411. STUDY OF WAIVERS OF CERTAIN COST-SHARING REQUIREMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) complete a study on the ability of, and any actions before the date of enactment of this Act by, the Secretary to waive the cost-sharing requirement under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352); and

(2) based on the results of the study under paragraph (1), make recommendations to Congress for the issuance of, and factors that should be considered with respect to, waivers of the cost-sharing requirement by the Secretary.

SEC. 4412. NATIONAL PARK CENTENNIAL.

(a) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

''§ 104909. National Park Centennial Challenge Fund

''(a) PURPOSE.—The purpose of this section is to establish a fund in the Treasury—

''(1) to finance signature projects and programs to enhance the National Park System as the centennial of the National Park System approaches in 2016; and

''(2) to prepare the System for another century of conservation, preservation, and enjoyment.

''(b) DEFINITIONS.—In this section:

''(1) CHALLENGE FUND.—The term 'Challenge Fund' means the National Park Centennial Challenge Fund established by subsection (c)(1).

''(2) QUALIFIED DONATION.—The term 'qualified donation' means a cash donation or the pledge of a cash donation guaranteed by an irrevocable letter of credit to the Service that the Secretary certifies is to be used for a signature project or program.

''(3) SIGNATURE PROJECT OR PROGRAM.—The term 'signature project or program' means any project or program identified by the Secretary as a project or program that would further the purposes of the System or any System unit.

''(c) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Park Centennial Challenge Fund'.

''(2) DEPOSITS.—The Challenge Fund shall consist of—

''(A) qualified donations that are transferred from the Service donation account, in accordance with subsection (e)(1); and

''(B) not more than $17,500,000, to be appropriated from the general fund of the Treasury, in accordance with subsection (e)(2).

''(3) AVAILABILITY.—Amounts in the Challenge Fund shall—

''(A) be available to the Secretary for signature projects and programs under this title, without further appropriation; and

''(B) remain available until expended.

''(d) SIGNATURE PROJECTS AND PROGRAMS.—

''(1) DEVELOPMENT OF LIST.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop a list of signature projects and programs eligible for funding from the Challenge Fund.

''(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives the list developed under paragraph (1).

''(3) UPDATES.—Subject to the notice requirements under paragraph (2), the Secretary may add any signature project or program to the list developed under paragraph (1).

''(e) DONATIONS AND MATCHING FEDERAL FUNDS.—

''(1) QUALIFIED DONATIONS.—The Secretary may transfer any qualified donations to the Challenge Fund.

''(2) MATCHING AMOUNT.—There is authorized to be appropriated to the Challenge Fund for each fiscal year through fiscal year 2020 an amount equal to the amount of qualified donations received for the fiscal year.

''(3) SOLICITATION.—Nothing in this section expands any authority of the Secretary, the Service, or any employee of the Service to receive or solicit donations.

''(f) REPORT TO CONGRESS.—The Secretary shall provide with the submission of the budget of the President to Congress for each fiscal year a report on the status and funding of the signature projects and programs.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

''§104909. National Park Centennial Challenge Fund.''.

(b) SECOND CENTURY ENDOWMENT FOR THE NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subchapter II of chapter 1011 of title 54, United States Code, is amended by adding at the end the following:

''§ 101121. Second Century Endowment for the National Park System

''(a) IN GENERAL.—The National Park Foundation shall establish an endowment, to be known as the 'Second Century Endowment for the National Park System' (referred to in this section as the 'Endowment').

''(b) CAMPAIGN.—To further the mission of the Service, the National Park Foundation may undertake a campaign to fund the Endowment through gifts, devises, or bequests, in accordance with section 101113.

''(c) USE OF PROCEEDS.—

''(1) IN GENERAL.—On request of the Secretary, the National Park Foundation shall expend proceeds from the Endowment in accordance with projects and programs in furtherance of the mission of the Service, as identified by the Secretary.

''(2) MANAGEMENT.—The National Park Foundation shall manage the Endowment in a manner that ensures that annual expenditures as a percentage of the principal are consistent with Internal Revenue Service guidelines for endowments maintained for charitable purposes.

''(d) INVESTMENTS.—The National Park Foundation shall—

''(1) maintain the Endowment in an interest-bearing account; and

''(2) invest Endowment proceeds with the purpose of supporting and enriching the System in perpetuity.

''(e) REPORT.—Each year, the National Park Foundation shall make publicly available information on the amounts deposited into, and expended from, the Endowment.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101120 the following:

''§101121. Second Century Endowment for the National Park System.''.

(c) NATIONAL PARK SERVICE INTELLECTUAL PROPERTY PROTECTION.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by subsection (a)(1)), is amended by adding at the end the following:

''§ 104910. Intellectual property

''(a) DEFINITIONS.—In this section:

''(1) SERVICE EMBLEM.—

''(A) IN GENERAL.—The term 'Service emblem' means any word, phrase, insignia, logo, logotype, trademark, service mark, symbol, design, graphic, image, color, badge, uniform, or any combination of emblems used to identify the Service or a component of the System.

''(B) INCLUSIONS.—The term 'Service emblem' includes—

''(i) the Service name;

''(ii) an official System unit name;

''(iii) any other name used to identify a Service component or program; and

''(iv) the Arrowhead symbol.

''(2) SERVICE UNIFORM.—The term 'Service uniform' means any combination of apparel, accessories, or emblems, any distinctive clothing or other items of dress, or a representation of dress—

''(A) that is worn during the performance of official duties; and

''(B) that identifies the wearer as a Service employee.

''(b) PROHIBITED ACTS.—No person shall, without the written permission of the Secretary—

''(1) use any Service emblem or uniform, or any word, term, name, symbol or device or any combination of emblems to suggest any colorable likeness of the Service emblem or Service uniform in connection with goods or services in commerce if the use is likely to cause confusion, or to deceive the public into believing that the emblem or uniform is from or connected with the Service;

''(2) use any Service emblem or Service uniform or any word, term, name, symbol, device, or any combination of emblems or uniforms to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce in a manner reasonably calculated to convey the impression to the public that the goods or services are approved, endorsed, or authorized by the Service;

''(3) use in commerce any word, term, name, symbol, device or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the Service; or

''(4) knowingly make any false statement for the purpose of obtaining permission to use any Service emblem or Service uniform.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 104908 (as added by subsection (a)(2)) the following:

''§104910. Intellectual property.''.

(d) NATIONAL PARK SERVICE EDUCATION AND INTERPRETATION.—

(1) IN GENERAL.—Division A of subtitle I of title 54, United States Code, is amended by inserting after chapter 1007 the following:

''CHAPTER 1008—EDUCATION AND INTERPRETATION

''CHAPTER 1008—EDUCATION AND INTERPRETATION

''Sec.

''100801. Definitions.

''100802. Interpretation and education authority.

''100803. Interpretation and education evaluation and quality improvement.

''100804. Improved utilization of partners and volunteers in interpretation and education.

''§ 100801. Definitions

''In this chapter:

''(1) EDUCATION.—The term 'education' means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

''(2) INTERPRETATION.—The term 'interpretation' means—

''(A) providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

''(B) the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

''(3) RELATED AREA.—The term 'related area' means—

''(A) a component of the National Trails System;

''(B) a National Heritage Area; and

''(C) an affiliated area administered in connection with the System.

''§ 100802. Interpretation and education authority

''The Secretary shall ensure that management of System units and related areas is enhanced by the availability and utilization of a broad program of the highest quality interpretation and education.

''§ 100803. Interpretation and education evaluation and quality improvement

''The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that the programs—

''(1) adjust to the ways in which people learn and engage with the natural world and shared heritage as embodied in the System;

''(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

''(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

''(4) reflect current scientific and academic research, content, methods, and audience analysis.

''§ 100804. Improved utilization of partners and volunteers in interpretation and education

''The Secretary may—

''(1) coordinate with System unit partners and volunteers in the delivery of quality programs and services to supplement the programs and services provided by the Service as part of a Long-Range Interpretive Plan for a System unit;

''(2) support interpretive partners by providing opportunities to participate in interpretive training; and

''(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.''.

(2) CLERICAL AMENDMENT.—The table of chapters for division A of subtitle I of title 54, United States Code, is amended by inserting after the item relating to chapter 1007 the following:

''1008. Education and Interpretation 100801''.

(e) PUBLIC LAND CORPS AMENDMENTS.—

(1) DEFINITIONS.—Section 203(10)(A) of the Public Lands Corps Act of 1993 (16 U.S.C. 1722(10)(A)) is amended by striking ''25'' and inserting ''30''.

(2) PARTICIPANTS.—Section 204(b) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(b)) is amended in the first sentence by striking ''25'' and inserting ''30''.

(3) HIRING.—Section 207(c)(2) of the Public Lands Corps Act of 1993 (16 U.S.C., 1726(c)(2)) is amended by striking ''120 days'' and inserting ''2 years''.

(f) NATIONAL PARK FOUNDATION.—Subchapter II of chapter 1011 of title 54, United States Code, is amended—

(1) in section 101112—

(A) by striking subsection (a) and inserting the following:

''(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members at least 6 private citizens of the United States appointed by the Secretary, with the Secretary and the Director serving as ex officio members of the Board.''; and

(B) by striking subsection (c) and inserting the following:

''(c) CHAIRMAN.—

''(1) SELECTION.—The Board shall select a Chairman of the Board from among the members of the Board.

''(2) TERM.—The Chairman of the Board shall serve for a 2-year term.''; and

(2) in section 101113(a)—

SEC. 4413. PROGRAM TO REDUCE THE POTENTIAL IMPACTS OF SOLAR ENERGY FACILITIES ON CERTAIN SPECIES.

In carrying out a program of the Department relating to solar energy or the conduct of solar energy projects using funds provided by the Department, the Secretary shall establish a program to undertake research that—

(1) identifies baseline avian populations and mortality; and

(2) quantifies the impacts of solar energy projects on birds, as compared to other threats to birds.

SEC. 4414. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) GENETIC DIVERSITY.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund, 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, consistent with—

(1) the laws (including regulations) applicable to the Currituck National Wildlife Refuge and the Cape Lookout National Seashore; and

(2) the December 2014 Wild Horse Management Agreement approved by the United States Fish and Wildlife Service, the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary may enter into an agreement with the Corolla Wild Horse Fund to provide for the cost-effective management of the horses in and around the Currituck National Wildlife Refuge while ensuring that natural resources within the Currituck National Wildlife Refuge are not adversely impacted.

(2) REQUIREMENTS.—The agreement entered into under paragraph (1) shall specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(A) coordinating and conducting a periodic census, and inspecting the health, of the horses;

(B) maintaining records of the horses living in the wild and in confinement;

(C) coordinating and conducting the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(D) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

Subtitle F—Markets

SEC. 4501. ENHANCED INFORMATION ON CRITICAL ENERGY SUPPLIES.

(a) IN GENERAL.—Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(n) COLLECTION OF INFORMATION ON CRITICAL ENERGY SUPPLIES.—

''(1) IN GENERAL.—To ensure transparency of information relating to energy infrastructure and product ownership in the United

States and improve the ability to evaluate the energy security of the United States, the Administrator, in consultation with other Federal agencies (as necessary), shall—

''(A) not later than 120 days after the date of enactment of this subsection, develop and provide notice of a plan to collect, in cooperation with the Commodity Futures Trade Commission, information identifying all oil inventories, and other physical oil assets (including all petroleum-based products and the storage of such products in off-shore tankers), that are owned by the 50 largest traders of oil contracts (including derivative contracts), as determined by the Commodity Futures Trade Commission; and

''(B) not later than 90 days after the date on which notice is provided under subparagraph (A), implement the plan described in that subparagraph.

''(2) INFORMATION.—The plan required under paragraph (1) shall include a description of the plan of the Administrator for collecting company-specific data, including—

''(A) volumes of product under ownership; and

''(B) storage and transportation capacity (including owned and leased capacity).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(o) COLLECTION OF INFORMATION ON STORAGE CAPACITY FOR OIL AND NATURAL GAS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Energy Information Administration shall collect information quantifying the commercial storage capacity for oil and natural gas in the United States.

''(2) UPDATES.—The Administrator shall update annually the information required under paragraph (1).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(p) FINANCIAL MARKET ANALYSIS OFFICE.—

''(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office.

''(2) DUTIES.—The Office shall—

''(A) be responsible for analysis of the financial aspects of energy markets;

''(B) review the reports required by section 4503(c) of the Energy Policy Modernization Act of 2016 in advance of the submission of the reports to Congress; and

''(C) not later than 1 year after the date of enactment of this subsection—

''(i) make recommendations to the Administrator of the Energy Information Administration that identify and quantify any additional resources that are required to improve the ability of the Energy Information Administration to more fully integrate financial market information into the analyses and forecasts of the Energy Information Administration, including the role of energy futures contracts, energy commodity swaps, and derivatives in price formation for oil;

''(ii) conduct a review of implications of policy changes (including changes in export or import policies) and changes in how crude oil and refined petroleum products are transported with respect to price formation of crude oil and refined petroleum products; and

''(iii) notify the Committee on Energy and Natural Resources, and the Committee on Appropriations, of the Senate and the Committee on Energy and Commerce, and the Committee on Appropriations, of the House of Representatives of the recommendations described in clause (i).

''(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.''.

(b) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting ''(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)'' after ''Natural Gas Policy Act of 1978''.

SEC. 4502. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets (referred to in this section as the ''Working Group'').

(b) COMPOSITION.—The Working Group shall be composed of—

(1) the Secretary;

(2) the Secretary of the Treasury;

(3) the Chairman of the Federal Energy Regulatory Commission;

(4) the Chairman of Federal Trade Commission;

(5) the Chairman of the Securities and Exchange Commission;

(6) the Chairman of the Commodity Futures Trading Commission; and

(7) the Administrator of the Energy Information Administration.

(c) CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Working Group.

(d) COMPENSATION.—A member of the Working Group shall serve without additional compensation for the work of the member of the Working Group.

(e) PURPOSE AND FUNCTION.—The Working Group shall—

(1) investigate the effect of increased financial investment in energy commodities on energy prices and the energy security of the United States;

(2) recommend to the President and Congress laws (including regulations) that may be needed to prevent excessive speculation in energy commodity markets in order to prevent or minimize the adverse impact of excessive speculation on energy prices on consumers and the economy of the United States; and

(3) review energy security implications of developments in international energy markets.

(f) ADMINISTRATION.—The Secretary shall provide the Working Group with such administrative and support services as may be necessary for the performance of the functions of the Working Group.

(g) COOPERATION OF OTHER AGENCIES.—The heads of Executive departments, agencies, and independent instrumentalities shall, to the extent permitted by law, provide the Working Group with such information as the Working Group requires to carry out this section.

(h) CONSULTATION.—The Working Group shall consult, as appropriate, with representatives of the various exchanges, clearinghouses, self-regulatory bodies, other major market participants, consumers, and the general public.

SEC. 4503. STUDY OF REGULATORY FRAMEWORK FOR ENERGY MARKETS.

(a) STUDY.—The Working Group shall conduct a study—

(1) to identify the factors that affect the pricing of crude oil and refined petroleum products, including an examination of the effects of market speculation on prices; and

(2) to review and assess—

(A) existing statutory authorities relating to the oversight and regulation of markets critical to the energy security of the United States; and

(B) the need for additional statutory authority for the Federal Government to effectively oversee and regulate markets critical to the energy security of the United States.

(b) ELEMENTS OF STUDY.—The study shall include—

(1) an examination of price formation of crude oil and refined petroleum products;

(2) an examination of relevant international regulatory regimes; and

(3) an examination of the degree to which changes in energy market transparency, liquidity, and structure have influenced or driven abuse, manipulation, excessive speculation, or inefficient price formation.

(c) REPORT AND RECOMMENDATIONS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives quarterly progress reports during the conduct of the study under this section, and a final report not later than 1 year after the date of enactment of this Act, that—

(1) describes the results of the study; and

(2) provides options and the recommendations of the Working Group for appropriate Federal coordination of oversight and regulatory actions to ensure transparency of crude oil and refined petroleum product pricing and the elimination of excessive speculation, including recommendations on data collection and analysis to be carried out by the Financial Market Analysis Office established by section 205(p) of the Department of Energy Organization Act (42 U.S.C. 7135(p)).

Subtitle G—Affordability

SEC. 4601. E-PRIZE COMPETITION PILOT PROGRAM.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

''(g) E-PRIZE COMPETITION PILOT PROGRAM.—

''(1) DEFINITIONS.—In this section:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) a private sector for-profit or nonprofit entity;

''(ii) a public-private partnership; or

''(iii) a local, municipal, or tribal governmental entity.

''(B) HIGH-COST REGION.—The term 'high-cost region' means a region in which the average annual unsubsidized costs of electrical power retail rates or household space heating costs per square foot exceed 150 percent of the national average, as determined by the Secretary.

''(2) E-PRIZE COMPETITION PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an e-prize competition or challenge pilot program to broadly implement sustainable community and regional energy solutions that seek to reduce energy costs through increased efficiency, conservation, and technology innovation in high-cost regions.

''(B) SELECTION.—In carrying out the pilot program under subparagraph (A), the Secretary shall award a prize purse, in amounts to be determined by the Secretary, to each eligible entity selected through 1 or more of the following competitions or challenges:

''(i) A point solution competition that rewards and spurs the development of solutions for a particular, well-defined problem.

''(ii) An exposition competition that helps identify and promote a broad range of ideas and practices that may not otherwise attract attention, facilitating further development of the idea or practice by third parties.

''(iii) A participation competition that creates value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

''(iv) Such other types of prizes or challenges as the Secretary, in consultation with

relevant heads of Federal agencies, considers appropriate to stimulate innovation that has the potential to advance the mission of the applicable Federal agency.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000, to remain available until expended.''.

SEC. 4602. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) (as amended by section 4601) is amended by adding at the end the following:

''(h) CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.—

''(1) DEFINITIONS.—In this subsection:

''(A) BOARD.—The term 'Board' means the Carbon Dioxide Capture Technology Advisory Board established by paragraph (6).

''(B) DILUTE.—The term 'dilute' means a concentration of less than 1 percent by volume.

''(C) INTELLECTUAL PROPERTY.—The term 'intellectual property' means—

''(i) an invention that is patentable under title 35, United States Code; and

''(ii) any patent on an invention described in clause (i).

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Energy or designee, in consultation with the Board.

''(2) AUTHORITY.—Not later than 1 year after the date of enactment of this subsection, as part of the program carried out under this section, the Secretary shall establish and award competitive technology financial awards for carbon dioxide capture from media in which the concentration of carbon dioxide is dilute.

''(3) DUTIES.—In carrying out this subsection, the Secretary shall—

''(A) subject to paragraph (4), develop specific requirements for—

''(i) the competition process;

''(ii) minimum performance standards for qualifying projects; and

''(iii) monitoring and verification procedures for approved projects;

''(B) establish minimum levels for the capture of carbon dioxide from a dilute medium that are required to be achieved to qualify for a financial award described in subparagraph (C);

''(C) offer financial awards for—

''(i) a design for a promising capture technology;

''(ii) a successful bench-scale demonstration of a capture technology;

''(iii) a design for a technology described in clause (i) that will—

''(I) be operated on a demonstration scale; and

''(II) achieve significant reduction in the level of carbon dioxide; and

''(iv) an operational capture technology on a commercial scale that meets the minimum levels described in subparagraph (B); and

''(D) submit to Congress—

''(i) an annual report that describes the progress made by the Board and recipients of financial awards under this subsection in achieving the demonstration goals established under subparagraph (C); and

''(ii) not later than 1 year after the date of enactment of this subsection, a report on the adequacy of authorized funding levels in this subsection.

''(4) PUBLIC PARTICIPATION.—In carrying out paragraph (3)(A), the Board shall—

''(A) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in paragraph (3)(A); and

''(B) take into account public comments received in developing the final version of those requirements.

''(5) PEER REVIEW.—No financial awards may be provided under this subsection until the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as are established by the Secretary.

''(6) CARBON DIOXIDE CAPTURE TECHNOLOGY ADVISORY BOARD.—

''(A) ESTABLISHMENT.—There is established an advisory board to be known as the 'Carbon Dioxide Capture Technology Advisory Board'.

''(B) COMPOSITION.—The Board shall be composed of 9 members appointed by the President, who shall provide expertise in—

''(i) climate science;

''(ii) physics;

''(iii) chemistry;

''(iv) biology;

''(v) engineering;

''(vi) economics;

''(vii) business management; and

''(viii) such other disciplines as the Secretary determines to be necessary to achieve the purposes of this subsection.

''(C) TERM; VACANCIES.—

''(i) TERM.—A member of the Board shall serve for a term of 6 years.

''(ii) VACANCIES.—A vacancy on the Board—

''(I) shall not affect the powers of the Board; and

''(II) shall be filled in the same manner as the original appointment was made.

''(D) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

''(E) MEETINGS.—The Board shall meet at the call of the Chairperson.

''(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

''(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

''(H) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule for each day during which the member is engaged in the actual performance of the duties of the Board.

''(I) DUTIES.—The Board shall advise the Secretary on carrying out the duties of the Secretary under this subsection.

''(7) INTELLECTUAL PROPERTY.—

''(A) IN GENERAL.—As a condition of receiving a financial award under this subsection, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

''(B) RESERVATION OF LICENSE.—The United States—

''(i) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subparagraph (A); but

''(ii) shall not, in the exercise of a license reserved under clause (i), publicly disclose proprietary information relating to the license.

''(C) TRANSFER OF TITLE.—Title to any intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000, to remain available until expended.

''(9) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subsection shall terminate on December 31, 2026.''.

Subtitle H—Code Maintenance

SEC. 4701. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES STUDY.

(a) REPEAL.—Part I of title III of the Energy Policy and Conservation Act (42 U.S.C. 6373) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163; 89 Stat. 871) is amended—

(1) by striking the item relating to part I of title III; and

(2) by striking the item relating to section 385.

SEC. 4702. REPEAL OF METHANOL STUDY.

Section 400EE of the Energy Policy and Conservation Act (42 U.S.C. 6374d) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 4703. REPEAL OF AUTHORIZATION OF APPROPRIATIONS PROVISION.

(a) REPEAL.—Section 208 of the Energy Conservation and Production Act (42 U.S.C. 6808) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1126) is amended by striking the item relating to section 208.

SEC. 4704. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY STANDARDS STUDY.

(a) REPEAL.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 253.

SEC. 4705. REPEAL OF WEATHERIZATION STUDY.

(a) REPEAL.—Section 254 of the National Energy Conservation Policy Act (42 U.S.C. 8233) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 254.

SEC. 4706. REPEAL OF REPORT TO CONGRESS.

(a) REPEAL.—Section 273 of the National Energy Conservation Policy Act (42 U.S.C. 8236b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 273.

SEC. 4707. REPEAL OF REPORT BY GENERAL SERVICES ADMINISTRATION.

(a) REPEAL.—Section 154 of the Energy Policy Act of 1992 (42 U.S.C. 8262a) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 154.

(2) Section 159 of the Energy Policy Act of 1992 (42 U.S.C. 8262e) is amended by striking subsection (c).

SEC. 4708. REPEAL OF INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION WORKSHOPS.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 156.

SEC. 4709. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY REPORT TO CONGRESS.

(a) REPEAL.—Section 160 of the Energy Policy Act of 1992 (42 U.S.C. 8262f) is amended by striking the section designation and heading and all that follows through ''(c) INSPECTOR GENERAL REVIEW.—Each Inspector General'' and inserting the following:

''SEC. 160. INSPECTOR GENERAL REVIEW.

''Each Inspector General''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 160 and inserting the following:

''Sec. 160. Inspector General review. ''.

SEC. 4710. REPEAL OF PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS PROGRAM.

(a) REPEAL.—Section 161 of the Energy Policy Act of 1992 (42 U.S.C. 8262g) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 161.

SEC. 4711. REPEAL OF NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

(a) REPEAL.—Part 5 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is amended—

(1) by striking the item relating to part 5 of title V; and

(2) by striking the item relating to section 571.

SEC. 4712. REPEAL OF NATIONAL COAL POLICY STUDY.

(a) REPEAL.—Section 741 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 741.

SEC. 4713. REPEAL OF STUDY ON COMPLIANCE PROBLEM OF SMALL ELECTRIC UTILITY SYSTEMS.

(a) REPEAL.—Section 744 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8454) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 744.

SEC. 4714. REPEAL OF STUDY OF SOCIO-ECONOMIC IMPACTS OF INCREASED COAL PRODUCTION AND OTHER ENERGY DEVELOPMENT.

(a) REPEAL.—Section 746 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 746.

SEC. 4715. REPEAL OF STUDY OF THE USE OF PETROLEUM AND NATURAL GAS IN COMBUSTORS.

(a) REPEAL.—Section 747 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 747.

SEC. 4716. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 807 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 807.

SEC. 4717. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 808 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 808.

(2) REPORT ON IMPLEMENTATION.—Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8422) is amended—

(A) by striking ''(a) GENERALLY.—''; and

(B) by striking subsection (b).

SEC. 4718. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—

(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8501) is amended—

(A) in the section heading, by striking ''**FINDINGS AND**''; and

(B) by striking subsection (a).

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8521) is repealed.

(3) Section 222 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8522) is repealed.

(4) 241 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8531) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Emergency Energy Conservation Act of 1979 (Public Law 96–102; 93 Stat. 749) is amended—

(1) by striking the item relating to section 201 and inserting the following:

''Sec. 201. Purposes.''; and

(2) by striking the items relating to sections 221, 222, and 241.

SEC. 4719. ENERGY SECURITY ACT REPEALS.

(a) BIOMASS ENERGY DEVELOPMENT PLANS.—Subtitle A of title II of the Energy Security Act (42 U.S.C. 8811 et seq.) is repealed.

(b) MUNICIPAL WASTE BIOMASS ENERGY.—Subtitle B of title II of the Energy Security Act (42 U.S.C. 8831 et seq.) is repealed.

(c) USE OF GASOHOL IN FEDERAL MOTOR VEHICLES.—Section 271 of the Energy Security Act (42 U.S.C. 8871) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended—

(A) by striking the items relating to subtitle A and B of title II;

(B) by striking the item relating to section 204 and inserting the following:

''Sec. 204. Funding. ..... ''; and

(C) by striking the item relating to section 271.

(2) Section 203 of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8802) is amended—

(A) by striking paragraph (16); and

(B) by redesignating paragraphs (17) through (19) as paragraphs (16) through (18), respectively.

(3) Section 204 of the Energy Security Act (42 U.S.C. 8803) is amended—

(A) in the section heading, by striking ''FOR SUBTITLES A AND B''; and

(B) in subsection (a)—

(i) in paragraph (1), by adding ''and'' after the semicolon at the end;

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

(iii) by striking paragraph (3).

SEC. 4720. NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980 REPEALS.

Sections 5 and 6 of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9704, 9705) are repealed.

SEC. 4721. ELIMINATION AND CONSOLIDATION OF CERTAIN AMERICA COMPETES PROGRAMS.

(a) ELIMINATION OF PROGRAM AUTHORITIES.—

(1) NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—Section 5004 of the America COMPETES Act (42 U.S.C. 16532) is repealed.

(2) HYDROCARBON SYSTEMS SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(A) IN GENERAL.—Section 5005(e) of the America COMPETES Act (42 U.S.C. 16533(e)) is repealed.

(B) CONFORMING AMENDMENTS.—Section 5005(f) of the America COMPETES Act (42 U.S.C. 16533(f)) is amended—

(i) by striking paragraph (2);

(ii) by striking the subsection designation and heading and all that follows through ''There are'' in paragraph (1) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are''; and

(iii) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and indenting appropriately.

(3) DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.—Section 5008 of the America COMPETES Act (42 U.S.C. 16535) is repealed.

(4) ELIMINATION OF DUPLICATIVE AUTHORITY FOR EDUCATION PROGRAMS.—Sections 3181 and 3185 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381l, 42 U.S.C. 7381n) are repealed.

(5) MENTORING PROGRAM.—Section 3195 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381r) is repealed.

(b) REPEAL OF AUTHORIZATIONS.—

(1) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended by striking subsection (h).

(2) DISTINGUISHED SCIENTIST PROGRAM.—Section 5011 of the America COMPETES Act (42 U.S.C. 16537) is amended by striking subsection (j).

(3) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended by striking subsection (f).

(c) CONSOLIDATION OF DUPLICATIVE PROGRAM AUTHORITIES.—

(1) UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—Section 954 of the Energy Policy Act of 2005 (42 U.S.C. 16274) is amended—

(A) in subsection (a), by inserting ''nuclear chemistry,'' after ''nuclear engineering,''; and

(B) in subsection (b)—

(i) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(ii) by inserting after paragraph (2) the following:

''(3) award grants, not to exceed 5 years in duration, to institutions of higher education with existing academic degree programs in nuclear sciences and related fields—

''(A) to increase the number of graduates in nuclear science and related fields;

''(B) to enhance the teaching and research of advanced nuclear technologies;

''(C) to undertake collaboration with industry and National Laboratories; and

''(D) to bolster or sustain nuclear infrastructure and research facilities of institutions of higher education, such as research and training reactors and laboratories;''.

(2) CONSOLIDATION OF DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS PROGRAM AND DISTINGUISHED SCIENTIST PROGRAM.—

(A) FUNDING.—Section 971(c) of the Energy Policy Act of 2005 (42 U.S.C. 16311(c)) is amended by adding at the end the following:

''(8) For the Department of Energy early career awards for science, engineering, and mathematics researchers program under section 5006 of the America COMPETES Act (42 U.S.C. 16534) and the distinguished scientist program under section 5011 of that Act (42 U.S.C. 16537), $150,000,000 for each of fiscal years 2016 through 2020, of which not more than 65 percent of the amount made available for a fiscal year under this paragraph may be used to carry out section 5006 or 5011 of that Act.''.

(B) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(i) in subsection (b)(1)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''average'' before ''amount''; and

(bb) by inserting ''for each year'' before ''shall'';

(II) in subparagraph (A), by striking ''$80,000'' and inserting ''$190,000''; and

(III) in subparagraph (B), by striking ''$125,000'' and inserting ''$490,000'';

(ii) in subsection (c)(1)(C)—

(I) in clause (i)—

(aa) by striking ''assistant professor or equivalent title'' and inserting ''untenured assistant or associate professor''; and

(bb) by inserting ''or'' after the semicolon at the end;

(II) by striking clause (ii); and

(III) by redesignating clause (iii) as clause (ii);

(iii) in subsection (d), by striking ''on a competitive, merit-reviewed basis'' and inserting ''through a competitive process using merit-based peer review.'';

(iv) in subsection (e)—

(I) by striking ''(e)'' and all that follows through ''To be eligible'' and inserting the following:

''(e) SELECTION PROCESS AND CRITERIA.—To be eligible''; and

(II) by striking paragraph (2); and

(v) in subsection (f)(1), by striking ''nonprofit, nondegree-granting research organizations'' and inserting ''National Laboratories''.

(3) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(A) in subsection (b)—

(i) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Director of the Office of Science (referred to in this subsection as the 'Director') shall provide for appropriate coordination of science, technology, engineering, and mathematics education programs across all functions of the Department.

''(2) ADMINISTRATION.—In carrying out paragraph (1), the Director shall—

''(A) consult with—

''(i) the Assistant Secretary of Energy with responsibility for energy efficiency and renewable energy programs; and

''(ii) the Deputy Administrator for Defense Programs of the National Nuclear Security Administration; and

''(B) seek to increase the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education.''; and

(ii) in paragraph (3)—

(I) in subparagraph (D), by striking ''and'' at the end;

(II) by redesignating subparagraph (E) as subparagraph (F); and

(III) by inserting after subparagraph (D) the following:

''(E) represent the Department as the principal interagency liaison for all coordination activities under the President for science, technology, engineering, and mathematics education programs; and''; and

(B) in subsection (d)—

(i) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(2) REPORT.—Not later than 180 days after the date of enactment of this subparagraph, the Director shall submit a report describing the impact of the activities assisted with the Fund established under paragraph (1) to—

''(A) the Committee on Science, Space, and Technology of the House of Representatives; and

''(B) the Committee on Energy and Natural Resources of the Senate.''.

(4) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(A) in subsection (c)—

(i) in paragraph (1) by striking '', involving'' and all that follows through ''Secretary''; and

(ii) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) to demonstrate excellent academic performance and understanding of scientific or technical subjects; and'';

(B) in subsection (d)(1)(B)(i), by inserting ''full or partial'' before ''graduate tuition''; and

(C) in subsection (e), in the matter preceding paragraph (1), by striking ''Director of Science, Engineering, and Mathematics Education'' and inserting ''Director of the Office of Science.''.

(d) CONFORMING AMENDMENTS.—The table of contents for the America COMPETES ACT (Public Law 110–69; 121 Stat. 573) is amended by striking the items relating to sections 5004 and 5008.

SEC. 4722. REPEAL OF STATE UTILITY REGULATORY ASSISTANCE.

(a) REPEAL.—Section 207 of the Energy Conservation and Production Act (42 U.S.C. 6807) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1126) is amended by striking the item relating to section 207.

SEC. 4723. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 8258b) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 106 Stat. 2851) is amended by striking the item relating to section 550.

(2) Section 543(d)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(d)(2)) is amended by striking '', incorporating any relevant information obtained from the survey conducted pursuant to section 550''.

SEC. 4724. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.

(a) REPEAL.—Part 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8271 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended—

(1) by striking the item relating to part 4 of title V; and

(2) by striking the items relating to sections 561 through 569.

SEC. 4725. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8285 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended by striking the items relating to subtitle F of title V.

SEC. 4726. REPEAL OF AUTHORIZATION OF APPROPRIATIONS.

(a) REPEAL.—Subtitle F of title VII of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8461) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to subtitle F of title VII.

SEC. 4727. REPEAL OF RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989.

(a) REPEAL.—The Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12001 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(b)(3) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905(b)(3)) is amended—

(A) in subparagraph (Q), by adding ''and'' after the semicolon;

(B) by striking subparagraph (R); and

(C) by redesignating subparagraph (S) as subparagraph (R).

(2) Section 1204 of the Energy Policy Act of 1992 (42 U.S.C. 13313) is amended—

(A) in subsection (b), in the matter preceding paragraph (1), in the first sentence, by striking '', in consultation with'' and all that follows through ''under section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989,''; and

(B) in subsection (c), by striking '', in consultation with the Advisory Committee,''.

SEC. 4728. REPEAL OF HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is repealed.

SEC. 4729. REPEAL OF STUDY ON ALTERNATIVE FUEL USE IN NONROAD VEHICLES AND ENGINES.

(a) IN GENERAL.—Section 412 of the Energy Policy Act of 1992 (42 U.S.C. 13238) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 412.

SEC. 4730. REPEAL OF LOW INTEREST LOAN PROGRAM FOR SMALL BUSINESS FLEET PURCHASES.

(a) IN GENERAL.—Section 414 of the Energy Policy Act of 1992 (42 U.S.C. 13239) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 414.

SEC. 4731. REPEAL OF TECHNICAL AND POLICY ANALYSIS FOR REPLACEMENT FUEL DEMAND AND SUPPLY INFORMATION.

(a) IN GENERAL.—Section 506 of the Energy Policy Act of 1992 (42 U.S.C. 13256) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 506.

(2) Section 507(m) of the Energy Policy Act of 1992 (42 U.S.C. 13257(m)) is amended by striking ''and section 506''.

SEC. 4732. REPEAL OF 1992 REPORT ON CLIMATE CHANGE.

(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 1601.

(2) Section 1602(a) of the Energy Policy Act of 1992 (42 U.S.C. 13382(a)) is amended, in the matter preceding paragraph (1), in the third sentence, by striking ''the report required under section 1601 and''.

SEC. 4733. REPEAL OF DIRECTOR OF CLIMATE PROTECTOR ESTABLISHMENT.

(a) IN GENERAL.—Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 1603.

SEC. 4734. REPEAL OF 1994 REPORT ON GLOBAL CLIMATE CHANGE EMISSIONS.

(a) IN GENERAL.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13384) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 1604.

SEC. 4735. REPEAL OF TELECOMMUTING STUDY.

(a) IN GENERAL.—Section 2028 of the Energy Policy Act of 1992 (42 U.S.C. 13438) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 2028.

SEC. 4736. REPEAL OF ADVANCED BUILDINGS FOR 2005 PROGRAM.

(a) IN GENERAL.—Section 2104 of the Energy Policy Act of 1992 (42 U.S.C. 13454) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 2104.

(2) Section 2101(a) of the Energy Policy Act of 1992 (42 U.S.C. 13451(a)) is amended, in the third sentence, by striking ''2104,''.

SEC. 4737. REPEAL OF ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION ADVISORY BOARD.

(a) IN GENERAL.—Section 2302 of the Energy Policy Act of 1992 (42 U.S.C. 13522) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 2302.

(2) Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), in the first sentence, by striking '', in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,'';

(B) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking '', in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,''; and

(ii) in paragraph (2), in the second sentence, by striking '', in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,''; and

(C) in subsection (c), in the first sentence, by striking '', in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,''.

(3) Section 2011(c) of the Energy Policy Act of 1992 (42 U.S.C. 13411(c)) is amended, in the second sentence, by striking '', and with the Advisory Board established under section 2302''.

(4) Section 2304 of the Energy Policy Act of 1992 (42 U.S.C. 13523), is amended—

(A) in subsection (a), by striking '', in consultation with the Advisory Board established under section 2302,''; and

(B) in subsection (c), in the matter preceding paragraph (1), in the first sentence, by striking '', with the advice of the Advisory Board established under section 2302 of this Act,''.

SEC. 4738. REPEAL OF STUDY ON USE OF ENERGY FUTURES FOR FUEL PURCHASE.

(a) IN GENERAL.—Section 3014 of the Energy Policy Act of 1992 (42 U.S.C. 13552) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 3014.

SEC. 4739. REPEAL OF ENERGY SUBSIDY STUDY.

(a) IN GENERAL.—Section 3015 of the Energy Policy Act of 1992 (42 U.S.C. 13553) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 3015.

SEC. 4740. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, Native Hawaiian, a Pacific Islander, African-American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended in the third sentence by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, Native Hawaiian, Pacific Islanders, African-American, Hispanic, Native American, or Alaska Natives''.

TITLE V—CONSERVATION REAUTHORIZATION

SEC. 5001. NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

''§ 104908. National Park Service Maintenance and Revitalization Conservation Fund

''(a) IN GENERAL.—There is established in the Treasury a fund, to be known as the 'National Park Service Critical Maintenance and Revitalization Conservation Fund' (referred to in this section as the 'Fund').

''(b) DEPOSITS TO FUND.—Notwithstanding any provision of law providing that the proceeds shall be credited to miscellaneous receipts of the Treasury, for each fiscal year, there shall be deposited in the Fund, from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) $150,000,000.

''(c) USE AND AVAILABILITY.—

''(1) IN GENERAL.—Amounts deposited in the Fund shall—

''(A) be used only for the purposes described in subsection (d); and

''(B) be available for expenditure only after the amounts are appropriated for those purposes.

''(2) AVAILABILITY.—Any amounts in the Fund not appropriated shall remain available in the Fund until appropriated.

''(3) NO LIMITATION.—Appropriations from the Fund pursuant to this section may be made without fiscal year limitation.

''(d) NATIONAL PARK SYSTEM CRITICAL DEFERRED MAINTENANCE.—The Secretary shall use amounts appropriated from the Fund for high-priority deferred maintenance needs of the Service that support critical infrastructure and visitor services.

''(e) LAND ACQUISITION PROHIBITION.—Amounts in the Fund shall not be used for land acquisition.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code, is amended by inserting after the item relating to section 104907 the following:

''§104908. National Park Service Maintenance and Revitalization Conservation Fund.''.

SEC. 5002. LAND AND WATER CONSERVATION FUND.

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''During the period ending September 30, 2018, there'' and inserting ''There''; and

(2) in subsection (c)(1), by striking ''through September 30, 2018''.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking ''There'' and inserting ''(a) In General.—There''; and

(2) by striking the second sentence and inserting the following:

''(b) ALLOCATION.—Of the appropriations from the Fund—

''(1) not less than 40 percent shall be used collectively for Federal purposes under section 200306;

''(2) not less than 40 percent shall be used collectively—

''(A) to provide financial assistance to States under section 200305;

''(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);

''(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

''(D) for the American Battlefield Protection Program established under chapter 3081; and

''(3) not less than 1.5 percent or $10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.''.

(c) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) CONSERVATION EASEMENTS.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.''.

(d) ACQUISITION CONSIDERATIONS.—Section 200306 of title 54, United States Code (as amended by subsection (c)), is amended by adding at the end the following:

''(d) ACQUISITION CONSIDERATIONS.—The Secretary and the Secretary of Agriculture shall take into account the following in determining the land or interests in land to acquire:

''(1) Management efficiencies.

''(2) Management cost savings.

''(3) Geographic distribution.

''(4) Significance of the acquisition.

''(5) Urgency of the acquisition.

''(6) Threats to the integrity of the land to be acquired.

''(7) The recreational value of the land.''.

SEC. 5003. HISTORIC PRESERVATION FUND.

Section 303102 of title 54, United States Code, is amended by striking ''of fiscal years 2012 to 2015'' and inserting ''fiscal year''.

SEC. 5004. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall establish a conservation incentives landowner education program (referred to in this section as the ''program'').

(b) PURPOSE OF PROGRAM.—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

(1) fee title land acquisition;

(2) donation; and

(3) perpetual and term conservation easements or agreements.

(c) AVAILABILITY.—The Secretary of the Interior shall ensure that the information provided under the program is made available to—

(1) interested landowners; and

(2) the public.

(d) NOTIFICATION.—In any case in which the Secretary of the Interior contacts a landowner directly about participation in a Federal conservation program, the Secretary shall, in writing—

(1) notify the landowner of the program; and

(2) make available information on the conservation program options that may be available to the landowner.

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

SECTION 6001. SHORT TITLE.

This title may be cited as the ''Indian Tribal Energy Development and Self-Determination Act Amendments of 2016''.

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

SEC. 6011. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.''; and

(2) by adding at the end the following:

''(4) PLANNING.—

''(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

''(i) plans for electrification;

''(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

''(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

''(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

''(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.''.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', intertribal organization,'' after ''Indian tribe'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

''(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;''.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting ''or a tribal energy development organization'' after ''Indian tribe'';

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''guarantee'' and inserting ''guaranteed'';

(B) in subparagraph (A), by striking ''or'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(C) a tribal energy development organization, from funds of the tribal energy development organization.''; and

(3) in paragraph (5), by striking ''The Secretary of Energy may'' and inserting ''Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary of Energy shall''.

SEC. 6012. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking ''on the request of an Indian tribe, the Indian tribe'' and inserting ''on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization''; and

(2) in paragraph (2)(B), by inserting ''or tribal energy development organization'' after ''Indian tribe''.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

''(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or''; and

(II) in clause (ii)—

(aa) by inserting '', at least a portion of which have been'' after ''energy resources'';

(bb) by inserting ''or produced from'' after ''developed on''; and

(cc) by striking ''and'' after the semicolon at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and''; and

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

''(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

''(A) was executed—

''(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(B) has a term that does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.'';

(2) by striking subsection (b) and inserting the following:

''(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

''(1) serves—

''(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

''(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

''(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

''(2) was executed—

''(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(3) has a term that does not exceed 30 years.'';

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

''(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).'';

(4) in subsection (e)—

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

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

''(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

''(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

''(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

''(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.'';

(B) in paragraph (2)—

(i) by striking ''(2)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(2) PROCEDURE.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

''(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through clause (ii) and inserting the following:

''(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

''(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

''(ii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or''; and

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking ''includes'' and all that follows through ''section—'' and inserting ''does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—'';

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking ''or tribal''; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

''(XII) include a certification by the Indian tribe that the Indian tribe has—

''(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

''(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.'';

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

''(i) a process for ensuring that—

''(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

''(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way.'';

(iv) in subparagraph (D)(ii), by striking ''subparagraph (B)(iii)(XVI)'' and inserting ''subparagraph (B)(iv)(XI)''; and

(v) by adding at the end the following:

''(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

''(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

''(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).'';

(C) in paragraph (4), by striking ''date of disapproval'' and all that follows through the end of subparagraph (C) and inserting the following: ''date of disapproval, provide the Indian tribe with—

''(A) a detailed, written explanation of—

''(i) each reason for the disapproval; and

''(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

''(B) an opportunity to revise and resubmit the tribal energy resource agreement.'';

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking ''(B) Subject to'' and inserting the following:

''(B) Subject only to''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)'';

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting ''to perform the obligations of the Secretary under this section and'' before ''to ensure''; and

(iii) in subparagraph (D), by adding at the end the following:

''(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

''(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

''(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.'';

(E) in paragraph (7)—

(i) in subparagraph (A), by striking ''has demonstrated'' and inserting ''the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking ''any tribal remedy'' and inserting ''all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''determine'' and all that follows through the end of the clause and inserting the following: ''determine—

''(I) whether the petitioner is an interested party; and

''(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.'';

(II) in clause (ii), by striking ''determination'' and inserting ''determinations''; and

(III) in clause (iii), in the matter preceding subclause (I) by striking ''agreement'' the first place it appears and all that follows through '', including'' and inserting ''agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including'';

(iv) in subparagraph (E)(i), by striking ''the manner in which'' and inserting '', with respect to each claim made in the petition, how''; and

(v) by adding at the end the following:

''(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.'';

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement;'' and

(G) by adding at the end the following:

''(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.'';

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

''(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

''(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

''(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

''(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

''(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

''(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

''(4) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

''(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

''(i) a delay in the promulgation of regulations under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016;

''(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

''(iii) the adoption of a funding agreement under paragraph (2).

''(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall approve or disapprove the application.

''(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

''(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

''(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(II) has included programs or activities relating to the management of tribal land; and

''(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

''(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed; and

''(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

''(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

''(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

''(A) issue a certification stating that—

''(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes the tribal land of which is being developed) own and control at all times a majority of the interest in the tribal energy development organization; and

''(v) the certification is issued pursuant this subsection;

''(B) deliver a copy of the certification to the Indian tribe; and

''(C) publish the certification in the Federal Register.

''(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.''.

SEC. 6015. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (8) the following:

''(9) The term 'qualified Indian tribe' means an Indian tribe that has—

''(A) carried out a contract or compact under title I or IV of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.''; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

''(12) The term 'tribal energy development organization' means—

''(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17

of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the 'Oklahoma Indian Welfare Act')); and

''(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.''.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''tribal energy resource development organizations'' and inserting ''tribal energy development organizations''; and

(B) in paragraph (2), by striking ''tribal energy resource development organizations'' each place it appears and inserting ''tribal energy development organizations''; and

(2) in subsection (b)(2), by striking ''tribal energy resource development organization'' and inserting ''tribal energy development organization''.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking ''energy resource development'' and inserting ''energy development''.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) The Secretary'' and inserting the following:

''(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary''; and

(B) by striking ''for approval'';

(2) in paragraph (4), by striking ''(4) If the Secretary'' and inserting the following:

''(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary'';

(3) in paragraph (5)—

(A) by striking ''(5) If an Indian tribe'' and inserting the following:

''(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe''; and

(B) in the matter preceding subparagraph (A), by striking ''approved'' and inserting ''in effect'';

(4) in paragraph (6)—

(A) by striking ''(6)(A) In carrying out'' and inserting the following:

''(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

''(A) In carrying out'';

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking ''approved'' and inserting ''in effect''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''an approved tribal energy resource agreement'' and inserting ''a tribal energy resource agreement in effect under this section''; and

(ii) in clause (ii), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(5) in paragraph (7)—

(A) by striking ''(7)(A) In this paragraph'' and inserting the following:

''(7) PETITIONS BY INTERESTED PARTIES.—

''(A) In this paragraph'';

(B) in subparagraph (A), by striking ''approved by the Secretary'' and inserting ''in effect'';

(C) in subparagraph (B), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking ''approved''; and

(ii) in subclause (II)—

(I) by striking ''approval of'' in the first place it appears; and

(II) by striking ''subsection (a) or (b)'' and inserting ''subsection (a)(2)(A)(i) or (b)(2)(A)''.

SEC. 6016. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communitization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

Subtitle B—Miscellaneous Amendments

SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking ''States and municipalities'' and inserting ''States, Indian tribes, and municipalities''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 6202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108–278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking ''In this section'' and inserting ''In this Act''; and

(2) by adding at the end the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

''(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

''(1) take into consideration—

''(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

''(B) whether a proposed project would—

''(i) increase the availability or reliability of local or regional energy;

''(ii) enhance the economic development of the Indian tribe;

''(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

''(v) demonstrate new investments in infrastructure; or

''(vi) otherwise promote the use of woody biomass; and

''(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(e) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(h) TERM.—A contract or agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(C) SECRETARY.—The term ''Secretary'' means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 6203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

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

''(1) RESERVATION OF AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

''(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

''(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

''(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.

''(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), 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 than by a grant made to the State in which the low-income members reside.'';

(2) in paragraph (2)—

(A) by striking ''The sums'' and inserting ''ADMINISTRATION.—The amounts'';

(B) by striking ''on the basis of his determination'';

(C) by striking ''individuals for whom such a determination has been made'' and inserting ''low-income members of the Indian tribe''; and

(D) by striking ''he'' and inserting ''the Secretary''; and

(3) in paragraph (3), by striking ''In order'' and inserting ''APPLICATION.—In order''.

SEC. 6204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISALS.

''(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

''(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

''(1) each reason for the disapproval; and

''(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).''.

SEC. 6205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the ''Long-Term Leasing Act'') (25 U.S.C. 415(e)(1)), is amended—

(1) by striking '', except a lease for'' and inserting '', including a lease for'';

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

''(A) in the case of a business or agricultural lease, 99 years;'';

(3) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

''(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

''(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.''.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting '', land held in trust for the Crow Tribe of Montana'' after ''Devils Lake Sioux Reservation''.

SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

TITLE VII—BROWNFIELDS REAUTHORIZATION

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Brownfields Utilization, Investment, and Local Development Act of 2016'' or the ''BUILD Act''.

SEC. 7002. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking ''or'' after the semicolon;

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

(3) by adding at the end the following:

''(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

''(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

''(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

''(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).''.

SEC. 7003. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking ''subject to paragraphs (4) and (5)'' and inserting ''subject to paragraphs (5) and (6)''; and

(3) by inserting after paragraph (3) the following:

''(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

''(B) GRANT AMOUNTS.—

''(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $950,000.

''(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

''(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

''(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

''(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

''(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

''(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.''.

SEC. 7004. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

''(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.''.

SEC. 7005. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking ''$200,000 for each site to be remediated'' and inserting ''$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site''.

SEC. 7006. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking ''Notwithstanding clause (i)(IV)'' and inserting ''Notwithstanding clause (i)(III)''; and

(2) by adding at the end the following:

''(E) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

''(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

''(I) investigation and identification of the extent of contamination;

''(II) design and performance of a response action; or

''(III) monitoring of a natural resource.''.

SEC. 7007. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended—

(1) by striking ''The Administrator may provide,'' and inserting the following:

''(i) DEFINITIONS.—In this subparagraph:

''(I) DISADVANTAGED AREA.—The term 'disadvantaged area' means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

''(II) SMALL COMMUNITY.—The term 'small community' means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

''(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants that provide,''; and

(2) by adding at the end the following:

''(iii) SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.—

''(I) IN GENERAL.—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than $600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section 128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

''(II) LIMITATION.—Each grant awarded under subclause (I) shall be not more than $7,500.''.

SEC. 7008. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section 7003(1)) the following:

''(11) WATERFRONT BROWNFIELD SITES.—

''(A) DEFINITION OF WATERFRONT BROWNFIELD SITE.—In this paragraph, the term 'waterfront brownfield site' means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

''(B) REQUIREMENTS.—In providing grants under this subsection, the Administrator shall—

''(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

''(ii) give consideration to waterfront brownfield sites.''.

SEC. 7009. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section 7008) is amended by inserting after paragraph (11) the following:

''(12) CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.—

''(A) DEFINITION OF CLEAN ENERGY PROJECT.—In this paragraph, the term 'clean energy project' means—

''(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

''(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

''(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

''(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation activities to locate a clean energy project at 1 or more brownfield sites; and

''(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

''(C) MAXIMUM AMOUNT.—A grant under this paragraph shall not exceed $500,000.''.

SEC. 7010. TARGETED FUNDING FOR STATES.

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by adding at the end the following:

''(C) TARGETED FUNDING.—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than $2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).''.

SEC. 7011. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUNDING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by striking ''2006'' and inserting ''2018''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking ''2006'' and inserting ''2018''.

TITLE VIII—MISCELLANEOUS

SEC. 8001. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

(2) by adding the following new section at the end:

''SEC. 4. REMOVAL OF USE RESTRICTION.

''(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

''(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).''.

TITLE IX—MISCELLANEOUS

SEC. 9001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''Map'' means the map entitled ''George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment'', numbered 850_130815, and dated February 2016.

(2) RESEARCH CENTER.—The term ''Research Center'' means the Turner-Fairbank Highway Research Center of the Federal Highway Administration.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PARKWAY LAND.—Administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary within the boundary of the George Washington Memorial Parkway, as generally depicted as ''B'' on the Map, is transferred from the Secretary to the Secretary of Transportation.

(B) RESEARCH CENTER LAND.—Administration jurisdiction over the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Secretary of Transportation adjacent to the boundary of the George Washington Memorial Parkway, as generally depicted as ''A'' on the Map, is transferred from the Secretary of Transportation to the Secretary.

(2) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the perimeter fence of the Research Center, generally depicted as ''C'' on the Map, by prohibiting the storage, construction, or installation of any item that may interfere with the access of the Research Center to the restricted land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this subsection shall not be subject to reimbursement or consideration.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the land described in the agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to the terms of the agreement described in subparagraph (A), the Secretary shall allow the Research Center—

(I) to access the Federal land described in paragraph (1)(B) for purposes of transportation to and from the Research Center; and

(II) to access the Federal land described in paragraphs (1)(B) and (2) for purposes of maintenance in accordance with National Park Service standards, including grass mowing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the Federal land.

(c) MANAGEMENT OF TRANSFERRED LAND.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under subsection (b)(1)(B) shall be—

(A) included in the boundary of the George Washington Memorial Parkway; and

(B) administered by the Secretary as part of the George Washington Memorial Parkway, subject to applicable laws (including regulations).

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under subsection (b)(1)(A) shall be—

(A) included in the boundary of the Research Center land; and

(B) removed from the boundary of the George Washington Memorial Parkway.

(3) RESTRICTED-USE LAND.—The Federal land that the Secretary has designated for restricted use under subsection (b)(2) shall be maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be available for public inspection in the appropriate offices of the National Park Service.

TITLE X—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

SEC. 10001. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as ''The Wedge'' on the map entitled ''Arapaho National Forest Boundary Adjustment'' and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the

boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) PUBLIC MOTORIZED USE.—Nothing in this section opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

SEC. 10002. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled ''Elkhorn Ranch Land Parcel–White River National Forest'' and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as ''GLP'').

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

SEC. 10003. LAND EXCHANGE IN CRAGS, COLORADO.

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

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

(b) DEFINITIONS.—In this section:

(1) BHI.—The term ''BHI'' means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch'', dated March 2015.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Non-Federal Parcel–Crags Property'', dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Barr Trail Easement to United States'', dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, unless otherwise specified.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in subsection (b)(2) shall allow—

(A) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(B) full and continued public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(4) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(5) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice;

(C) appraisal instructions issued by the Secretary; and

(D) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(2) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(B) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act''; 16 U.S.C. 484a); and

(ii) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(C) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(3) APPRAISAL EXCLUSIONS.—

(A) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(B) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.

(e) MISCELLANEOUS PROVISIONS.—

(1) WITHDRAWAL PROVISIONS.—

(A) WITHDRAWAL.—Lands acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(B) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(C) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this section, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(2) POSTEXCHANGE LAND MANAGEMENT.—Land acquired by the Secretary under this section shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(3) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this section be consummated no later than 1 year after the date of the enactment of this Act.

(4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(A) MINOR ERRORS.—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(B) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and BHI mutually agree otherwise.

(C) AVAILABILITY.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this section.

SEC. 10004. CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Río Grande del Norte National Monument Proposed Wilderness Areas'' and dated July 28, 2015.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Río Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the ''Cerro del Yuta Wilderness''.

(B) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the ''Río San Antonio Wilderness''.

(2) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that with respect to the wilderness areas designated by this subsection—

(A) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(4) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the wilderness areas.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this subsection—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with this section.

(7) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the legal description and map.

(C) PUBLIC AVAILABILITY.—The map and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(8) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(9) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(10) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the wilderness areas designated by paragraph (1), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(11) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 10005. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109–110; 119 Stat. 2356) is amended by inserting before the period at the end '', which, notwithstanding section 102(a)(4)(B), includes the N½, NE¼, SW¼, SW¼, the N½, N½, SE¼, SW¼, and the N½, N½, SW¼, SE¼, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres''.

SEC. 10006. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.

Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1018) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''120 acres'' and inserting ''107 acres''; and

(B) in subparagraph (E)(ii), by inserting ''improvements,'' after ''buildings,''; and

(2) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking ''As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select'' and inserting ''Not later than 120 days after the date of the enactment of the Energy Policy Modernization Act of 2016, the Secretary and Mt. Hood Meadows shall jointly select'';

(ii) in clause (ii), in the matter preceding subclause (I), by striking ''An appraisal under clause (i) shall'' and inserting ''Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and''; and

(iii) by adding at the end the following:

''(iii) FINAL APPRAISED VALUE.—

''(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

''(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially altered by fire, windstorm, or other events.

''(iv) PUBLIC REVIEW.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged.''; and

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

''(G) REQUIRED CONVEYANCE CONDITIONS.—Prior to the exchange of the Federal and non-Federal land—

''(i) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the identified wetland in accordance with applicable law, subject to the requirements that—

''(I) the conservation easement shall be consistent with the terms of the September 30, 2015, mediation between the Secretary and Mt. Hood Meadows; and

''(II) in order to take effect, the conservation easement shall be finalized not later than 120 days after the date of enactment of the Energy Policy Modernization Act of 2016; and

''(ii) the Secretary shall reserve a 24-foot-wide nonexclusive trail easement at the existing trail locations on the Federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit nonmotorized use by the public of existing trails subject to the right of the owner of the Federal land—

''(I) to cross the trails with roads, utilities, and infrastructure facilities; and

''(II) to improve or relocate the trails to accommodate development of the Federal land.

''(H) EQUALIZATION OF VALUES.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in addition to or in lieu of monetary compensation, a lesser area of Federal land or non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without

limitation, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

''(ii) TREATMENT OF CERTAIN COMPENSATION OR CONVEYANCES AS DONATION.—If, after payment of compensation or adjustment of land area subject to exchange under this Act, the amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows under subparagraph (A) exceeds the appraised value of the land conveyed by the Secretary under subparagraph (A) shall be considered a donation by Mt. Hood Meadows to the United States.''.

SEC. 10007. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term ''eligible'', with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term ''good Samaritan search-and-recovery mission'' means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5, United States Code (commonly known as the ''Federal Employees Compensation Act''), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.—

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) PARTNERSHIPS.—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (e)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

SEC. 10008. BLACK HILLS NATIONAL CEMETERY BOUNDARY MODIFICATION.

(a) DEFINITIONS.—In this section:

(1) CEMETERY.—The term ''Cemetery'' means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term ''Federal land'' means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as ''Proposed National Cemetery Expansion'' on the map entitled ''Proposed Expansion of Black Hills National Cemetery-South Dakota'' and dated September 28, 2015.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(A) IN GENERAL.—Subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(ii) EFFECT.—A legal description published under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical and typographical errors in the legal description.

(iii) AVAILABILITY.—Copies of the legal description published under clause (i) shall be available for public inspection in the appropriate offices of—

(I) the Bureau of Land Management; and

(II) the National Cemetery Administration.

(iv) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this subparagraph, including the costs of any surveys and other reasonable costs.

(2) WITHDRAWAL.—Subject to valid existing rights, for any period during which the Federal land is under the administrative jurisdiction of the Secretary of Veterans Affairs, the Federal land—

(A) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(B) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(3) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(4) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

(c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) NOTICE.—On a determination by the Secretary of Veterans Affairs that all or a portion of the Federal land is not being used for purposes of the Cemetery, the Secretary of Veterans Affairs shall notify the Secretary of the determination.

(2) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to paragraphs (3) and (4), the Secretary of Veterans Affairs shall transfer to the Secretary administrative jurisdiction over the Federal land subject to a notice under paragraph (1).

(3) DECONTAMINATION.—The Secretary of Veterans Affairs shall be responsible for the costs of any decontamination of the Federal land subject to a notice under paragraph (1) that the Secretary determines to be necessary for the Federal land to be restored to public land status.

(4) RESTORATION TO PUBLIC LAND STATUS.—The Federal land subject to a notice under paragraph (1) shall only be restored to public land status on—

(A) acceptance by the Secretary of the Federal land subject to the notice; and

(B) a determination by the Secretary that the Federal land subject to the notice is suitable for—

(i) restoration to public land status; and

(ii) the operation of 1 or more of the public land laws with respect to the Federal land.

(5) ORDER.—If the Secretary accepts the Federal land under paragraph (4)(A) and makes a determination of suitability under paragraph (4)(B), the Secretary may—

(A) open the accepted Federal land to operation of 1 or more of the public land laws; and

(B) issue an order to carry out the opening authorized under subparagraph (A).

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

SEC. 10101. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SEC. 10102. LOWER FARMINGTON AND SALMON BROOK RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

''(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

''(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

''(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

''(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

''(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.''.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the management plan and such amendments to the management plan as the Secretary determines are consistent with this section. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated in subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated in subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated in subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking ''14-mile'' and inserting ''15.1-mile''; and

(2) by striking ''to the downstream end of the New Hartford-Canton, Connecticut town line'' and inserting ''to the confluence with the Nepaug River''.

(d) DEFINITIONS.—For the purposes of this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan prepared by the Salmon Brook Wild and Scenic Study Committee entitled the ''Lower Farmington River and Salmon Brook Management Plan'' and dated June 2011.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 10103. SPECIAL RESOURCE STUDY OF PRESIDENT STREET STATION.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 10104. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL'S ELEMENTARY SCHOOL.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means—

(A) P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth; and

(B) any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 10105. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent

property (referred to in this section as the ''site'').

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 10106. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty two hundred miles, extending from eastern New York State'' and inserting ''4,600 miles, extending from the Appalachian Trail in Vermont''; and

(2) by striking ''Proposed North Country Trail'' and all that follows through ''June 1975.'' and inserting '''North Country National Scenic Trail, Authorized Route' dated February 2014, and numbered 649/116870.''.

(b) NO CONDEMNATION.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.''.

SEC. 10107. DESIGNATION OF JAY S. HAMMOND WILDERNESS AREA.

(a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 201(e)(7)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh(e)(7)(a)) shall be known and designated as the ''Jay S. Hammond Wilderness Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the ''Jay S. Hammond Wilderness Area''.

SEC. 10108. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.''.

SEC. 10109. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term ''Arlington Ridge tract'' means the parcel of Federal land located in Arlington County, Virginia, known as the ''Nevius Tract'' and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

SEC. 10201. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this subtitle, the term ''fishing'' does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

SEC. 10211. DEFINITIONS.

In this part:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 10212. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6213.

(b) EFFECT OF PART.—Nothing in this part opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 10213. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) REQUIREMENT.—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) CLOSURE PROCEDURES.—

(1) IN GENERAL.—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled ''Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding''; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 10214. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 10215. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking '', United States Code'';

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

''(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

''(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

''(2) The name of the agency involved in the adversary adjudication.

''(3) A description of the claims in the adversary adjudication.

''(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(5) The amount of the award.

''(6) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).''.

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

''(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(A) The case name and number, hyperlinked to the case, if available.

''(B) The name of the agency involved in the case.

''(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(D) A description of the claims in the case.

''(E) The amount of the award.

''(F) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking ''United States Code,''; and

(B) in subsection (e)—

(i) by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''; and

(ii) by striking ''of such title'' and inserting ''of this title''.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

''(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

''(2) The name of the plaintiff or claimant.

''(3) The name of counsel for the plaintiff or claimant.

''(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

''(5) A brief description of the facts that gave rise to the claim.

''(6) The name of the agency that submitted the claim.''.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

SEC. 10221. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106–206 (16 U.S.C. 4601–6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF SECRETARY.—The term 'Secretary' means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.'';

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)''; and

(ii) in subparagraph (B), by inserting '', except in the case of film crews of 3 or fewer individuals'' before the period at the end; and

(B) by adding at the end the following:

''(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.'';

(4) in subsection (c) (as so redesignated), in the second sentence, by striking ''subsection (a)'' and inserting ''subsection (b)'';

(5) in subsection (d) (as so redesignated), in the heading, by inserting ''Commercial'' before ''Still'';

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting ''in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),'' after ''without further appropriation,'';

(7) in subsection (g) (as so redesignated)—

(A) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.''; and

(8) by adding at the end the following:

''(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

''(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

''(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

''(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

''(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

''(2) is conducted by a crew of not more than 3 individuals; and

''(3) uses only a camera and tripod.

''(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

''(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

''(2) INCLUDED ACTIVITIES.—In this subsection, the term 'news gathering' includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.''.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

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

SEC. 10231. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

''§ 104909. Bows in parks

''(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(2) with respect to a crossbow, uncocked.

''(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

''(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

''(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

''104909. Bows in parks.''.

SEC. 10232. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6231(a)), is amended by adding at the end the following:

''SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

''(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

''(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

''(1) any training requirements or qualifications established by the Secretary; and

''(2) any other terms and conditions that the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6231(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

''104910. Wildlife management in parks.''.

SEC. 10233. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term ''State or regional office'' means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify 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 purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

SEC. 10241. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''(as in effect on the date of enactment of this Act)''; and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury $1,000,000 for each of fiscal years 2016 through 2025.

PART VI—FISH AND WILDLIFE CONSERVATION

SEC. 10251. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) PURPOSE.—The purpose of this section is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(2) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(B) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(C) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(D) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(3) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(B) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(C) in subsection (c)(1)—

(i) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(ii) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

(d) SENSE OF CONGRESS REGARDING COOPERATION.—It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

SEC. 10252. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.—Any acquisition of land (including any interest in land) under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.) shall be subject to the notification requirements under section [50____(d)].

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $50,000,000 for each of fiscal years 2015 through 2020.''.

SEC. 10253. NATIONAL FISH HABITAT CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''National Fish Habitat Conservation Through Partnerships Act''.

(b) PURPOSE.—The purpose of this section is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term ''Board'' means the National Fish Habitat Board established by subsection (d)(1)(A).

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term ''EPA Assistant Administrator'' means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term ''NOAA Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term ''Partnership'' means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to subsection (e)(1).

(8) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) STATE.—The term ''State'' means each of the several States.

(11) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

(d) NATIONAL FISH HABITAT BOARD.—

(1) ESTABLISHMENT.—

(A) FISH HABITAT BOARD.—There is established a board, to be known as the ''National Fish Habitat Board'', whose duties are—

(i) to promote, oversee, and coordinate the implementation of this section;

(ii) to establish national goals and priorities for fish habitat conservation;

(iii) to approve Partnerships; and

(iv) to review and make recommendations regarding fish habitat conservation projects.

(B) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(i) 1 shall be a representative of the Department of the Interior;

(ii) 1 shall be a representative of the United States Geological Survey;

(iii) 1 shall be a representative of the Department of Commerce;

(iv) 1 shall be a representative of the Department of Agriculture;

(v) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(vi) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(vii) 1 shall be a representative of either—

(I) Indian tribes in the State of Alaska; or

(II) Indian tribes in States other than the State of Alaska;

(viii) 1 shall be a representative of either—

(I) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(II) a representative of the Marine Fisheries Commissions, which is composed of—

(aa) the Atlantic States Marine Fisheries Commission;

(bb) the Gulf States Marine Fisheries Commission; and

(cc) the Pacific States Marine Fisheries Commission;

(ix) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(x) 7 shall be representatives selected from each of—

(I) the recreational sportfishing industry;

(II) the commercial fishing industry;

(III) marine recreational anglers;

(IV) freshwater recreational anglers;

(V) habitat conservation organizations; and

(VI) science-based fishery organizations;

(xi) 1 shall be a representative of a national private landowner organization;

(xii) 1 shall be a representative of an agricultural production organization;

(xiii) 1 shall be a representative of local government interests involved in fish habitat restoration;

(xiv) 2 shall be representatives from different sectors of corporate industries, which may include—

(I) natural resource commodity interests, such as petroleum or mineral extraction;

(II) natural resource user industries; and

(III) industries with an interest in fish and fish habitat conservation; and

(xv) 1 shall be a leadership private sector or landowner representative of an active partnership.

(C) COMPENSATION.—A member of the Board shall serve without compensation.

(D) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) APPOINTMENT AND TERMS.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall serve for a term of 3 years.

(B) INITIAL BOARD MEMBERSHIP.—

(i) IN GENERAL.—The initial Board will consist of representatives as described in clauses (i) through (vi) of paragraph (1)(B).

(ii) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to clause (i) shall appoint the remaining members of the Board described in clauses (viii) through (xiv) of paragraph (1)(B).

(iii) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to clause (vii) of paragraph (1)(B).

(C) TRANSITIONAL TERMS.—Of the members described in paragraph (1)(B)(x) initially appointed to the Board—

(i) 2 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for a term of 2 years; and

(iii) 3 shall be appointed for a term of 3 years.

(D) VACANCIES.—

(i) IN GENERAL.—A vacancy of a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) shall be filled by an appointment made by the remaining members of the Board.

(ii) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in clause (vii) of paragraph (1)(B), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(E) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(F) REMOVAL.—If a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(i) vote to remove that member; and

(ii) appoint another individual in accordance with subparagraph (D).

(3) CHAIRPERSON.—

(A) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to paragraph (1)(B)(v) shall serve as Chairperson of the Board.

(B) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(4) MEETINGS.—

(A) IN GENERAL.—The Board shall meet—

(i) at the call of the Chairperson; but

(ii) not less frequently than twice each calendar year.

(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(5) PROCEDURES.—

(A) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(i) a requirement that a quorum of the members of the Board be present to transact business;

(ii) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members;

(iii) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this section;

(iv) procedures for designating Partnerships under subsection (e); and

(v) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) FISH HABITAT PARTNERSHIPS.—

(1) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this subsection.

(2) PURPOSES.—The purposes of a Partnership shall be—

(A) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(B) to engage local and regional communities to build support for fish habitat conservation;

(C) to involve diverse groups of public and private partners;

(D) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(E) to leverage funding from sources that support local and regional partnerships;

(F) to use adaptive management principles, including evaluation of project success and functionality;

(G) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(H) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(3) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(A) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(B) demonstrate to the Board that the entity has—

(i) a focus on promoting the health of important fish and fish habitats;

(ii) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(iii) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(iv) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(v) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(vi) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(vii) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(4) APPROVAL.—The Board may approve an application for a Partnership submitted under paragraph (3) if the Board determines that the applicant—

(A) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(B) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(C) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(D) is able to address issues and priorities on a nationally significant scale;

(E) includes a governance structure that—

(i) reflects the range of all partners; and

(ii) promotes joint strategic planning and decisionmaking by the applicant;

(F) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(G) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(f) FISH HABITAT CONSERVATION PROJECTS.—

(1) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this section.

(2) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this section for the following fiscal year.

(3) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of project proponents to implement successfully the proposed project.

(C) The extent to which the fish habitat conservation project—

(i) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this section;

(ii) addresses the national priorities established by the Board;

(iii) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(v) provides a well-defined budget linked to deliverables and outcomes;

(vi) leverages other funds to implement the project;

(vii) addresses the causes and processes behind the decline of fish or fish habitats; and

(viii) includes an outreach or education component that includes the local or regional community.

(D) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by paragraph (5);

(E) The extent to which the local or regional fish habitat conservation project—

(i) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and design of the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(i) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(ii) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(iii) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(iv) to require the submission to the Board of a report describing the findings of the assessment.

(B) ACQUISITION AUTHORITIES.—

(i) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this section if the acquisition ensures 1 of—

(I) public access for compatible fish and wildlife-dependent recreation; or

(II) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(ii) STATE AGENCY APPROVAL.—

(I) IN GENERAL.—All real property interest acquisition projects funded under this section are required to be approved by the State agency in the State in which the project is occurring.

(II) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(iii) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(iv) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity, unless—

(I) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(II) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a partnership.

(5) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(i) may not be derived from another Federal grant program; but

(ii) may include in-kind contributions and cash.

(C) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding subparagraph (A) or any other provision of law, any funds made available to an Indian tribe pursuant to this section may be considered to be non-Federal funds for the purpose of subparagraph (A).

(6) APPROVAL.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based, to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) FUNDING.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.

(C) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under paragraph (2), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

(g) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

(1) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(2) INCLUSIONS.—Scientific and technical assistance provided pursuant to paragraph (1) may include—

(A) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(B) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(C) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(D) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(E) supporting and providing recommendations for a national fish habitat assessment;

(F) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(G) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(h) COORDINATION WITH STATES AND INDIAN TRIBES.—The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this section, including notification, by not later than 30 days before the date on which the activity is implemented.

(i) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this section; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(j) ACCOUNTABILITY AND REPORTING.—

(1) REPORTING.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this section.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(ii) a description of the public access to fish habitats established or improved during that 5-year period;

(iii) a description of the improved opportunities for public recreational fishing; and

(iv) an assessment of the status of fish habitat conservation projects carried out with funds provided under this section during that period, disaggregated by year, including—

(I) a description of the fish habitat conservation projects recommended by the Board under subsection (f)(2);

(II) a description of each fish habitat conservation project approved by the Secretary under subsection (f)(6), in order of priority for funding;

(III) a justification for—

(aa) the approval of each fish habitat conservation project; and

(bb) the order of priority for funding of each fish habitat conservation project;

(IV) a justification for any rejection of a fish habitat conservation project recommended by the Board under subsection (f)(2) that was based on a factor other than the criteria described in subsection (f)(3); and

(V) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(2) STATUS AND TRENDS REPORT.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(A) a status of all Partnerships approved under this section;

(B) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(C) enhancements or reductions in public access as a result of—

(i) the activities of the Partnerships; or

(ii) any other activities carried out pursuant to this section.

(3) REVISIONS.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by paragraph (2).

(k) EFFECT OF SECTION.—

(1) WATER RIGHTS.—Nothing in this section—

(A) establishes any express or implied reserved water right in the United States for any purpose;

(B) affects any water right in existence on the date of enactment of this Act;

(C) preempts or affects any State water law or interstate compact governing water; or

(D) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(2) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Under this section, only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property.

(3) STATE AUTHORITY.—Nothing in this section—

(A) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(B) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(4) EFFECT ON INDIAN TRIBES.—Nothing in this section abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(A) an agreement between the Indian tribe and the United States;

(B) Federal law (including regulations);

(C) an Executive order; or

(D) a judicial decree.

(5) ADJUDICATION OF WATER RIGHTS.—Nothing in this section diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the

Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(6) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this section affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) EFFECT ON OTHER AUTHORITIES.—

(A) PRIVATE PROPERTY PROTECTION.—Nothing in this section permits the use of funds made available to carry out this section to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(B) MITIGATION.—Nothing in this section permits the use of funds made available to carry out this section for fish and wildlife mitigation purposes under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(iv) any other Federal law or court settlement.

(C) CLEAN WATER ACT.—Nothing in this section affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under subsection (f)(6), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(B) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2016 through 2021 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to subparagraph (A)—

(i) for administrative and planning expenses; and

(ii) to carry out subsection (j).

(C) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2016 through 2021 to carry out, and provide technical and scientific assistance under, subsection (g)—

(i) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(ii) $500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(iii) $500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and

(iv) $500,000 to the Secretary for use by the United States Geological Survey.

(2) AGREEMENTS AND GRANTS.—The Secretary may—

(A) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(B) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this section; and

(C) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this section.

(3) DONATIONS.—

(A) IN GENERAL.—The Secretary may—

(i) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this section; and

(ii) accept donations of funds, property, and services to carry out the purposes of this section.

(B) TREATMENT.—A donation accepted under this section—

(i) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(ii) may be—

(I) used directly by the Secretary; or

(II) provided to another Federal department or agency through an interagency agreement.

SEC. 10254. GULF STATES MARINE FISHERIES COMMISSION REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) REPORT ON RESOURCE MANAGEMENT OUTCOMES.—Not later than March 1, 2017, the Gulf States Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

(b) INFORMATION REQUIRED.—The report required under subsection (a) shall include a detailed accounting of how the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113) has affected—

(1) the economies of the States of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of the States described in paragraph (1) to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

(c) FUNDING.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Commerce shall make available to the Gulf States Marine Fisheries Commission $500,000 to carry out the report required under subsection (a).

(2) SUBSEQUENT APPROPRIATIONS.—Amounts made available under paragraph (1) shall be available only to the extent specifically provided for in advance in subsequent appropriations Acts.

SEC. 10255. GAO REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) REPORT ON RESOURCE MANAGEMENT OUTCOMES.—Not later than March 1, 2017, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

(b) INFORMATION REQUIRED.—The report required by subsection (a) shall include a detailed accounting of how section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113) has affected—

(1) the economies of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of Alabama, Florida, Louisiana, Mississippi, and Texas to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

PART VII—MISCELLANEOUS

SEC. 10261. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this subtitle or the amendments made by this subtitle—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 10262. NO PRIORITY.

Nothing in this subtitle or the amendments made by this subtitle provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

SEC. 10301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

SEC. 10302. SAVINGS PROVISIONS.

Unless expressly provided in this part, nothing in this part modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the ''Boulder Canyon Project Act'');

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the ''Boulder Canyon Project Adjustment Act'');

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

SEC. 10311. DEFINITIONS.

In this part:

(1) ASSET.—

(A) IN GENERAL.—The term ''asset'' means any of the following assets that are used to achieve the mission of the Bureau of Reclamation to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) INCLUSIONS.—The term ''asset'' includes assets described in subparagraph (A) that are considered to be mission critical.

(2) ASSET MANAGEMENT REPORT.—The term ''Asset Management Report'' means—

(A) the annual plan prepared by the Bureau of Reclamation known as the ''Asset Management Plan''; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

(3) MAJOR REPAIR AND REHABILITATION NEED.—The term ''major repair and rehabilitation need'' means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(4) RECLAMATION FACILITY.—The term ''Reclamation facility'' means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.

(5) RECLAMATION PROJECT.—The term ''Reclamation project'' means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) RESERVED WORKS.—The term ''reserved works'' means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRANSFERRED WORKS.—The term ''transferred works'' means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

SEC. 10312. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau of Reclamation—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) INCLUSIONS.—To the extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) RATING REQUIREMENTS.—

(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) PUBLIC AVAILABILITY.—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under subsection (a).

(5) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 6313(b)(2).

(d) CONSULTATION.—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. 10313. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 6312(b).

(b) GUIDANCE.—

(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 6312(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6312(c).

SEC. 10314. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by $2,000,000.

PART III—BASIN WATER MANAGEMENT

Subpart A—Yakima River Basin Water Enhancement

SEC. 10321. SHORT TITLE.

This subpart may be cited as the ''Yakima River Basin Water Enhancement Project Phase III Act of 2016''.

SEC. 10322. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.

(a) MODIFICATION OF TERMS.—Title XII of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by striking ''Yakama Indian'' each place it appears (except section 1204(g)) and inserting ''Yakama''; and

(2) by striking ''Superintendent'' each place it appears and inserting ''Manager''.

(b) MODIFICATION OF PURPOSES.—Section 1201 of Public Law 103–434 (108 Stat. 4550) is amended—

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

''(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

''(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

''(B) improved instream flows and water supplies;

''(C) improved water quality, watershed, and ecosystem function;

''(D) protection, creation, and enhancement of wetlands; and

''(E) other appropriate means of habitat improvement;'';

(2) in paragraph (2), by inserting '', municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for proratable irrigation entities'' before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

''(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;'';

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as so redesignated) the following:

''(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the first phase of the Integrated Plan pursuant to section 1213(a), in addition to the 165,000 acre feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;'';

(8) in paragraph (6) (as so redesignated)—

(A) by inserting ''an increase in'' before ''voluntary''; and

(B) by striking ''and'' at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

''(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;'';

(10) in paragraph (8) (as redesignated by paragraph (6)), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

''(9) to improve the resilience of the ecosystems, economies, and communities in the Basin as they face drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of both the people and the fish and wildlife of the region; and

''(10) to authorize and implement the Yakima River Basin Integrated Water Resource Management Plan as Phase III of the Yakima River Basin Water Enhancement Project, as a balanced and cost-effective approach to maximize benefits to the communities and environment in the Basin.''.

(c) MODIFICATION OF DEFINITIONS.—Section 1202 of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (13), (14), (15), (16), (18), and (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) DESIGNATED FEDERAL OFFICIAL.—The term 'designated Federal official' means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

''(7) INTEGRATED PLAN.—The terms 'Integrated Plan' and 'Yakima River Basin Integrated Water Resource Plan' mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project Phase III Act of 2016 and the amendments made by that subpart, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.'';

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

''(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.—The term 'municipal, industrial, and domestic water supply and use' means the supply and use of water for—

''(A) domestic consumption (whether urban or rural);

''(B) maintenance and protection of public health and safety;

''(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

''(D) production of energy;

''(E) fish hatcheries; or

''(F) water conservation activities relating to a use described in subparagraphs (A) through (E).'';

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

''(12) PRORATABLE IRRIGATION ENTITY.—The term 'proratable irrigation entity' means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that—

''(A) manages and delivers irrigation water to farms in the basin; and

''(B) possesses, or the members of which possess, water rights that are proratable during periods of water shortage.''; and

(5) by inserting after paragraph (16) (as redesignated by paragraph (1)) the following:

''(17) YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The terms 'Yakima Enhancement Project' and 'Yakima River Basin Water Enhancement Project' mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96–162 (93 Stat. 1241), section 109 of Public Law 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105–62 (111 Stat. 1320), and Public Law 106–372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.''.

SEC. 10323. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103–434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking ''title'' and inserting ''section''; and

(ii) in the third sentence, by striking ''within 5 years of the date of enactment of this Act''; and

(B) in paragraph (2), by striking ''irrigation'' and inserting ''the number of irrigated acres'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting ''; and'';

(iii) in subparagraph (F), by striking ''Department of Wildlife of the State of Washington, and'' and inserting ''Department of Fish and Wildlife of the State of Washington.''; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (D), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

''(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

''(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

''(C) grant any request for a facilitator by any member of the Conservation Advisory Group.'';

(3) in subsection (d), by adding at the end the following:

''(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5 percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Basin and the purposes of this title.

''(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.'';

(4) in subsection (e), by striking the first sentence and inserting the following: ''To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.'';

(5) in subsection (i)(3)—

(A) by striking ''purchase or lease'' each place it appears and inserting ''purchase, lease, or management''; and

(B) in the third sentence, by striking ''made immediately upon availability'' and all that follows through ''Committee'' and inserting ''continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group''; and

(6) in subsection (j)(4), in the first sentence, by striking ''initial acquisition'' and all that follows through ''flushing flows'' and inserting ''acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish''.

SEC. 10324. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103–434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking ''not more than $23,000,000'' and inserting ''not more than $100,000,000''; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting ''REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—'';

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

''(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the 'Confederated Tribes and Bands of the Yakama Nation'.''; and

(C) in paragraph (2), by striking ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Indian Nation'.'' and inserting ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Nation'.''.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103–434 (108 Stat. 4557) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting ''additional'' after ''secure'';

(bb) by striking ''flushing'' and inserting ''pulse''; and

(cc) by striking ''uses'' and inserting ''uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States'';

(II) by striking clause (ii);

(III) by redesignating clause (iii) as clause (ii); and

(IV) in clause (ii) (as so redesignated) by inserting ''and water rights mandated'' after ''goals''; and

(ii) in subparagraph (B)(i), in the first sentence, by inserting ''in proportion to the funding received'' after ''Program'';

(2) in subsection (b) (as amended by section 6322(a)(2)), in the second sentence, by striking ''instream flows for use by the Yakima Project Manager as flushing flows or as otherwise'' and inserting ''fishery purposes, as''; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

''(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin.

''(B) To protect, mitigate, and enhance aquatic life and wildlife.

''(C) Recreation.

''(D) Municipal, industrial, and domestic use.''.

(c) LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.—Section 1206(a)(1) of Public Law 103–434 (108 Stat. 4560), is amended, in the matter preceding subparagraph (A), by striking ''at September'' and all that follows through ''to—'' and inserting ''not more than $12,000,000 to—''.

(d) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103–434 (108 Stat. 4560) is amended—

(1) in the heading, by striking ''**SUPPLIES**'' and inserting ''**MANAGEMENT**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''supplies'' and inserting ''management'';

(B) in paragraph (1), by inserting ''and water supply entities'' after ''owners''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''that choose not to participate or opt out of tributary enhancement projects pursuant to this section'' after ''water right owners''; and

(ii) in subparagraph (B), by inserting ''nonparticipating'' before ''tributary water users'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through ''(but not limited to)—'' and inserting the following:

''(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—'';

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: '', including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination'';

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(v) by inserting after subparagraph (B) the following:

''(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

''(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;'';

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking ''ground water'' and inserting ''groundwater recharge and'';

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting ''or transfer'' after ''purchase''; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting ''stream processes and'' before ''stream habitats'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the Taneum Creek study'' and inserting ''studies under this subsection'';

(ii) in subparagraph (B)—

(I) by striking ''and economic'' and inserting '', infrastructure, economic, and land use''; and

(II) by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) any related studies already underway or undertaken.''; and

(C) in paragraph (3), in the first sentence, by inserting ''of each tributary or group of tributaries'' after ''study'';

(4) in subsection (c)—

(A) in the heading, by inserting ''**AND NONSURFACE STORAGE**'' after ''**NONSTORAGE**''; and

(B) in the matter preceding paragraph (1), by inserting ''and nonsurface storage'' after ''nonstorage'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting ''and implementation'' after ''investigation'';

(ii) by striking ''other'' before ''Yakima River''; and

(iii) by inserting ''and other water supply entities'' after ''owners''; and

(B) by striking the second sentence.

(e) CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103–434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting ''negatively'' before ''affected''.

(f) INTERIM COMPREHENSIVE BASIN OPERATING PLAN.—Section 1210(c) of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$100,000'' and inserting ''$200,000''.

(g) ENVIRONMENTAL COMPLIANCE.—Section 1211 of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 10325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103–434 (108 Stat. 4550) is amended by adding at the end the following:

''SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

''(a) INTEGRATED PLAN.—

''(1) IN GENERAL.—The Secretary shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

''(2) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement an initial development phase of the Integrated Plan, to—

''(i) complete the planning, design, and construction or development of upstream and downstream fish passage facilities, as previously authorized by the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.) at Cle Elum Reservoir and another Yakima Project reservoir identified by the Secretary as consistent with the Integrated Plan, subject to

the condition that, if the Yakima Project reservoir identified by the Secretary contains a hydropower project licensed by the Federal Energy Regulatory Commission, the Secretary shall cooperate with the Federal Energy Regulatory Commission in a timely manner to ensure that actions taken by the Secretary are consistent with the applicable hydropower project license;

''(ii) negotiate long-term agreements with participating proratable irrigation entities in the Yakima Basin and, acting through the Bureau of Reclamation, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements, and rights-of-way on Federal land, and other terms and conditions determined to be necessary to allow for the non-Federal financing, construction, operation, and maintenance of—

''(I) new facilities needed to access and deliver inactive storage in Lake Kachess for the purpose of providing drought relief for irrigation (known as the 'Kachess Drought Relief Pumping Plant'); and

''(II) a conveyance system to allow transfer of water between Keechelus Reservoir to Kachess Reservoir for purposes of improving operational flexibility for the benefit of both fish and irrigation (known as the 'K to K Pipeline');

''(iii) participate in, provide funding for, and accept non-Federal financing for—

''(I) water conservation projects, not subject to the provisions of the Basin Conservation Program described in section 1203, that are intended to partially implement the Integrated Plan by providing 85,000 acre-feet of conserved water to improve tributary and mainstem stream flow; and

''(II) aquifer storage and recovery projects;

''(iv) study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply (including groundwater and surface water storage), conservation, habitat restoration projects, and other alternatives identified as consistent with the purposes of this Act, for the initial and future phases of the Integrated Plan;

''(v) coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin, including—

''(I) assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the Yakima River basin;

''(II) providing technical assistance, including scientific data and market information; and

''(III) negotiating agreements that would facilitate voluntary water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

''(vi) enter into cooperative agreements with, or, subject to a minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, water districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions as the Secretary may require, including the following purposes:

''(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the acquiring entity shall hold title and be responsible for any and all required operations, maintenance, and management of that land and water.

''(II) To combine or relocate diversion points, remove fish barriers, or for other activities that increase flows or improve habitat in the Yakima River and its tributaries in furtherance of this title.

''(III) To implement, in partnership with Federal and non-Federal entities, projects to enhance the health and resilience of the watershed.

''(B) COMMENCEMENT DATE.—The Secretary shall commence implementation of the activities included under the initial development phase pursuant to this paragraph—

''(i) on the date of enactment of this section; and

''(ii) on completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development.

''(3) INTERMEDIATE AND FINAL PHASES.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and in consultation with the Yakama Nation, shall develop plans for intermediate and final development phases of the Integrated Plan to achieve the purposes of this Act, including conducting applicable feasibility studies, environmental reviews, and other relevant studies needed to develop the plans.

''(B) INTERMEDIATE PHASE.—The Secretary shall develop an intermediate development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 10 years after the date of enactment of this section.

''(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

''(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

''(A) subject to authorization and appropriation;

''(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

''(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

''(D) in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''(5) PROGRESS REPORT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary, in conjunction with the State of Washington and in consultation with the Yakama Nation, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a progress report on the development and implementation of the Integrated Plan.

''(B) REQUIREMENTS.—The progress report under this paragraph shall—

''(i) provide a review and reassessment, if needed, of the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan;

''(ii) assess, through performance metrics developed at the initiation of, and measured throughout the implementation of, the Integrated Plan, the degree to which the implementation of the initial development phase addresses the objectives and all elements of the Integrated Plan;

''(iii) identify the amount of Federal funding and non-Federal contributions received and expended during the period covered by the report;

''(iv) describe the pace of project development during the period covered by the report;

''(v) identify additional projects and activities proposed for inclusion in any future phase of the Integrated Plan to address the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan; and

''(vi) for water supply projects—

''(I) provide a preliminary discussion of the means by which—

''(aa) water and costs associated with each recommended project would be allocated among authorized uses; and

''(bb) those allocations would be consistent with the objectives of the Integrated Plan; and

''(II) establish a plan for soliciting and formalizing subscriptions among individuals and entities for participation in any of the recommended water supply projects that will establish the terms for participation, including fiscal obligations associated with subscription.

''(b) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND K TO K PIPELINE.—

''(1) AGREEMENTS.—Long-term agreements negotiated between the Secretary and participating proratable irrigation entities in the Yakima Basin for the non-Federal financing, construction, operation, and maintenance of the Drought Relief Pumping Plant and K to K Pipeline shall include provisions regarding—

''(A) responsibilities of the participating proratable irrigation entities for the planning, design, and construction of infrastructure in consultation and coordination with the Secretary;

''(B) property titles and responsibilities of the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title;

''(C) operation and integration of the projects by the Secretary in the operation of the Yakima Project;

''(D) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

''(E) responsibilities for the pumping and operational costs necessary to provide the total water supply available made inaccessible due to drought pumping during the preceding 1 or more calendar years, in the event that the Kachess Reservoir fails to refill as a result of pumping drought storage water during the preceding 1 or more calendar years, which shall remain the responsibility of the participating proratable irrigation entities.

''(2) USE OF KACHESS RESERVOIR STORED WATER.—

''(A) IN GENERAL.—The additional stored water made available by the construction of facilities to access and deliver inactive storage in Kachess Reservoir under subsection (a)(2)(A)(ii)(I) shall—

''(i) be considered to be Yakima Project water;

''(ii) not be part of the total water supply available, as that term is defined in various court rulings; and

''(iii) be used exclusively by the Secretary—

''(I) to enhance the water supply in years when the total water supply available is not sufficient to provide 70 percent of proratable entitlements in order to make that additional water available up to 70 percent of

proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or other proratable irrigation entities participating in the construction, operation, and maintenance costs of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

''(aa) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(bb) the additional supply made available under this clause shall be available to participating individuals and entities in proportion to the proratable entitlements of the participating individuals and entities, or in such other proportion as the participating entities may agree; and

''(II) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(3) COMMENCEMENT.—The Secretary shall not commence entering into agreements pursuant to subsection (a)(2)(A)(ii) or subsection (b)(1) or implementing any activities pursuant to the agreements before the date on which—

''(A) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses have been completed and include favorable recommendations for further project development, including an analysis of—

''(i) the impacts of the agreements and activities conducted pursuant to subsection (a)(2)(A)(ii) on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, and property values; and

''(ii) specific options and measures for mitigating the impacts, as appropriate;

''(B) the Secretary has made the agreements and any applicable project designs, operations plans, and other documents available for public review and comment in the Federal Register for a period of not less than 60 days; and

''(C) the Secretary has made a determination, consistent with applicable law, that the agreements and activities to which the agreements relate—

''(i) are in the public interest; and

''(ii) could be implemented without significant adverse impacts to the environment.

''(4) ELECTRICAL POWER ASSOCIATED WITH KACHESS DROUGHT RELIEF PUMPING PLANT.—

''(A) IN GENERAL.—The Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this title if inactive storage in Kachess Reservoir is needed to provide drought relief for irrigation, subject to the requirements of subparagraphs (B) and (C).

''(B) DETERMINATION.—Power may be provided under subparagraph (A) only if—

''(i) there is in effect a drought declaration issued by the State of Washington;

''(ii) there are conditions that have led to 70 percent or less water delivery to proratable irrigation districts, as determined by the Secretary; and

''(iii) the Secretary determines that it is appropriate to provide power under that subparagraph.

''(C) PERIOD OF AVAILABILITY.—Power under subparagraph (A) shall be provided until the date on which the Secretary determines that power should no longer be provided under that subparagraph, but for not more than a 1-year period or the period during which the Secretary determines that drought mitigation measures are necessary in the Yakima River basin.

''(D) RATE.—The Administrator of the Bonneville Power Administration shall provide power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customers firm obligations, which as of the date of enactment of this section is the priority firm Tier 1 rate, and shall not include any irrigation discount.

''(E) LOCAL PROVIDER.—During any period in which power is not being provided under subparagraph (A), the power needed to operate the Kachess Pumping Plant shall be obtained by the Secretary from a local provider.

''(F) COSTS.—The cost of power for such pumping, station service power, and all costs of transmitting power from the Federal Columbia River Power System to the Yakima Enhancement Project pumping facilities shall be borne by irrigation districts receiving the benefits of that water.

''(G) DUTIES OF COMMISSIONER.—The Commissioner of Reclamation shall be responsible for arranging transmission for deliveries of Federal power over the Bonneville system through applicable tariff and business practice processes of the Bonneville system and for arranging transmission for deliveries of power obtained from a local provider.

''(c) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—

''(1) IN GENERAL.—Any water supply that results from an aquifer storage and recovery project shall not be considered to be a part of the total water supply available if—

''(A) the water for the aquifer storage and recovery project would not be available for use, but instead for the development of the project;

''(B) the aquifer storage and recovery project will not otherwise impair any water supply available for any individual or entity entitled to use the total water supply available; and

''(C) the development of the aquifer storage and recovery project will not impair fish or other aquatic life in any localized stream reach.

''(2) PROJECT TYPES.—The Secretary may provide technical assistance for, and participate in, any of the following 3 types of groundwater recharge projects (including the incorporation of groundwater recharge projects into Yakima Project operations, as appropriate):

''(A) Aquifer recharge projects designed to redistribute Yakima Project water within a water year for the purposes of supplementing stream flow during the irrigation season, particularly during storage control, subject to the condition that if such a project is designed to supplement a mainstem reach, the water supply that results from the project shall be credited to instream flow targets, in lieu of using the total water supply available to meet those targets.

''(B) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years—

''(i) to supplement or mitigate for municipal uses;

''(ii) to supplement municipal supply in a subsurface aquifer; or

''(iii) to mitigate the effect of groundwater use on instream flow or senior water rights.

''(C) Aquifer storage and recovery projects designed to supplement existing irrigation water supply, or to store water in subsurface aquifers, for use by the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the repayment of the construction, operation, and maintenance costs of the facilities under this section during years in which the total water supply available is insufficient to provide to those proratable irrigation entities all water to which the entities are entitled, subject to the conditions that—

''(i) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from aquifer storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(ii) nothing in this subparagraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(d) FEDERAL COST-SHARE.—

''(1) IN GENERAL.—The Federal cost-share of a project carried out under this section shall be determined in accordance with the applicable laws (including regulations) and policies of the Bureau of Reclamation.

''(2) INITIAL PHASE.—The Federal cost-share for the initial development phase of the Integrated Plan shall not exceed 50 percent of the total cost of the initial development phase.

''(3) STATE AND OTHER CONTRIBUTIONS.—The Secretary may accept as part of the non-Federal cost-share of a project carried out under this section, and expend as if appropriated, any contribution (including in-kind services) by the State of Washington or any other individual or entity that the Secretary determines will enhance the conduct and completion of the project.

''(4) LIMITATION ON USE OF OTHER FEDERAL FUNDS.—Except as otherwise provided in this title, other Federal funds may not be used to provide the non-Federal cost-share of a project carried out under this section.

''(e) SAVINGS AND CONTINGENCIES.—Nothing in this section shall—

''(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

''(2) affect any contract in existence on the date of enactment of the Yakima River Basin Water Enhancement Project Phase III Act of 2016 that was executed pursuant to the reclamation laws;

''(3) affect any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

''(4) affect, waive, abrogate, diminish, define, or interpret the treaty between the Yakama Nation and the United States; or

''(5) constrain the continued authority of the Secretary to provide fish passage in the Yakima Basin in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.).

''SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.

''The Secretary shall retain authority and discretion over the management of project supplies to optimize operational use and flexibility to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those contained in this Act. That authority and discretion includes

the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under this title.''.

Subpart B—Klamath Project Water and Power

SEC. 10329. KLAMATH PROJECT.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

''SEC. 4. POWER AND WATER MANAGEMENT.

''(a) DEFINITIONS.—In this section:

''(1) COVERED POWER USE.—The term 'covered power use' means a use of power to develop or manage water for irrigation, wildlife purposes, or drainage on land that is—

''(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

''(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that the Secretary determines provides a comparable benefit to the United States).

''(2) KLAMATH PROJECT.—

''(A) IN GENERAL.—The term 'Klamath Project' means the Bureau of Reclamation project in the States of California and Oregon.

''(B) INCLUSIONS.—The term 'Klamath Project' includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

''(3) POWER COST BENCHMARK.—The term 'power cost benchmark' means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that—

''(A) are located in the Pacific Northwest; and

''(B) receive project-use power.

''(b) WATER, ENVIRONMENTAL, AND POWER ACTIVITIES.—

''(1) IN GENERAL.—Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into an agreement or contract or otherwise making financial assistance available—

''(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

''(B) to plan and implement activities and projects that—

''(i) avoid or mitigate environmental effects of irrigation activities; or

''(ii) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and

''(C) to limit the net delivered cost of power for covered power uses.

''(2) EFFECT.—Nothing in subparagraph (A) or (B) of paragraph (1) authorizes the Secretary—

''(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

''(B) to carry out activities that have not otherwise been authorized.

''(c) REDUCING POWER COSTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and representative organizations of those interests, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

''(A) identifies the power cost benchmark; and

''(B) recommends actions that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of—

''(i) actions to immediately reduce power costs and to have the net delivered power cost for covered power use be equal to or less than the power cost benchmark in the near term, while longer-term actions are being implemented;

''(ii) actions that prioritize water and power conservation and efficiency measures and, to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower);

''(iii) the potential costs and timeline for the actions recommended under this subparagraph;

''(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

''(v) a description of public input regarding the proposed actions, including input from water users that have covered power use and the degree to which those water users concur with the recommendations.

''(2) IMPLEMENTATION.—Not later than 180 days after the date of submission of the report under paragraph (1), the Secretary shall implement those recommendations described in the report that the Secretary determines will ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, subject to availability of appropriations, on the fastest practicable timeline.

''(3) ANNUAL REPORTS.—The Secretary shall submit to each Committee described in paragraph (1) annual reports describing progress achieved in meeting the requirements of this subsection.

''(d) TREATMENT OF POWER PURCHASES.—

''(1) IN GENERAL.—Any purchase of power by the Secretary under this section shall be considered to be an authorized sale for purposes of section 5(b)(3) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)(3)).

''(2) EFFECT.—Nothing in this section authorizes the Bonneville Power Administration to make a sale of power from the Federal Columbia River Power System at rates, terms, or conditions better than those afforded preference customers of the Bonneville Power Administration.

''(e) GOALS.—The goals of activities under subsections (b) and (c) shall include, as applicable—

''(1) the short-term and long-term reduction and resolution of conflicts relating to water in the Klamath Basin watershed; and

''(2) compatibility and utility for protecting natural resources throughout the Klamath Basin watershed, including the protection, preservation, and restoration of Klamath River tribal fishery resources, particularly through collaboratively developed agreements.

''(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the Tulelake Irrigation District to reimburse the Tulelake Irrigation District for not more than 69 percent of the cost incurred by the Tulelake Irrigation District for the operation and maintenance of Pumping Plant D, on the condition that the cost benefits the United States.''.

(b) CONVEYANCE OF NON-PROJECT WATER; REPLACEMENT OF C CANAL.—

(1) DEFINITION OF KLAMATH PROJECT.—In this subsection:

(A) IN GENERAL.—The term ''Klamath Project'' means the Bureau of Reclamation project in the States of California and Oregon.

(B) INCLUSIONS.—The term ''Klamath Project'' includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

(2) CONVEYANCE OF NON-PROJECT WATER.—

(A) IN GENERAL.—An entity operating under a contract entered into with the United States for the operation and maintenance of Klamath Project works or facilities, and an entity operating any work or facility not owned by the United States that receives Klamath Project water, may use any of the Klamath Project works or facilities to convey non-Klamath Project water for any authorized purpose of the Klamath Project, subject to subparagraphs (B) and (C).

(B) PERMITS; MEASUREMENT.—An addition, conveyance, and use of water pursuant to subparagraph (A) shall be subject to the requirements that—

(i) the applicable entity shall secure all permits required under State or local laws; and

(ii) all water delivered into, or taken out of, a Klamath Project facility pursuant to that subparagraph shall be measured.

(C) EFFECT.—A use of non-Klamath Project water under this paragraph shall not—

(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

(ii) result in any additional cost to the United States.

(3) REPLACEMENT OF C CANAL FLUME.—The replacement of the C Canal flume within the Klamath Project shall be considered to be, and shall receive the treatment authorized for, emergency extraordinary operation and maintenance work in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(c) ADMINISTRATION.—

(1) COMPLIANCE.—In implementing this section and the amendments made by this section, the Secretary of the Interior shall comply with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable laws.

(2) EFFECT.—Nothing in this section—

(A) modifies the authorities or obligations of the United States with respect to the tribal trust and treaty obligations of the United States; or

(B) creates or determines water rights or affects water rights or water right claims in existence on the date of enactment of this Act.

PART IV—RESERVOIR OPERATION IMPROVEMENT

SEC. 10331. RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, and those non-Federal projects and transferred works that are operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes, including for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not fewer than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan under subsection (d) or (g), the Secretary may consult with the appropriate agencies within the Department of the Interior and the Department of Commerce with expertise in atmospheric, meteorological, and hydrologic science to consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(C) Nothing in this section affects or modifies any obligation to comply with any applicable Federal law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(4) PRIOR STUDIES.—The Secretary shall—

(A) to the maximum extent practicable, coordinate the efforts of the Secretary in carrying out subsections (b), (c), and (d) with the efforts of the Secretary in completing—

(i) the report required under section 1046(a)(2)(A) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2319 note; Public Law 113–121); and

(ii) the updated report required under subsection (a)(2)(B) of that section; and

(B) if the reports are available before the date on which the Secretary carries out the actions described in subsections (b), (c), and (d), consider the findings of the reports described in clauses (i) and (ii) of subparagraph (A).

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

PART V—HYDROELECTRIC PROJECTS

SEC. 10341. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term ''Terror Lake Hydroelectric Project'' means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term ''Upper Hidden Basin Diversion Expansion'' means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 10342. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term ''license'' means the license for Commission project number 11393.

(3) LICENSEE.—The term ''licensee'' means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SEC. 10343. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 10344. EXTENSION OF DEADLINE FOR CERTAIN OTHER HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration.

SEC. 10345. EQUUS BEDS DIVISION EXTENSION.

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

SEC. 10346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

SEC. 10351. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

The PRESIDING OFFICER. The Senator from Alaska.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President, I thank my colleagues for their support of the Energy Policy Modernization Act. I think the vote we have just concluded is indicative of what I have been saying for years now. I have a relatively lengthy policy manual or handbook, if you will, of how I view the energy space and how we can work to advance our energy policies, but, as with so much nowadays, if you put down a 115-page book or if you have a multipage white paper, it kind of goes by the way. So I have framed my energy policy into three simple words. I don't have it on a chart this afternoon, but it is basically pretty simple: ''Energy is good.'' I think that is what we have concluded with passage of the Energy Policy Modernization Act of 2016, with 85 Members supporting us in this effort.

I thank my ranking member, Senator CANTWELL, for working with me throughout this very collaborative process. The way we built this bill was not just the two of us as colleagues on the Energy Committee but working with Members on the committee across the aisle, working with other Members of this body in a very open and transparent manner. And it was not just colleagues here within the Senate; it was the outreach we did with numerous listening sessions and the administration.

I thank Secretary of Energy Moniz for his assistance in what we built. What we have in front of us and what we are recognizing today is truly a strong, committed process that yielded a strong product.

I wish to acknowledge the very, very hard work of our staffs. We all know we cannot do what we need to do as Senators without good people backing us at every turn. I am extraordinarily fortunate as chairman of the Energy and Natural Resources Committee to have a team on the majority's side that is not only extraordinarily hard-working, but they are all amazing experts when it comes to the energy space.

I wish to particularly recognize my staff director, Colin Hayes. Colin came into this Energy bill midway. He came on as my staff director at the first of the year after my previous staff director, Karen Billups, who had served on the Energy Committee for close to 25 years, retires. So we had that experience and expertise leaving—and Karen worked so hard to help craft so much of this bill, but then we needed the technician to move it through this process, and Colin Hayes stepped up in an extraordinary and remarkable way, and I thank him for all he did to guide us here.

I wish to recognize the others on my Energy Committee staff: Pat McCormick, Brian Hughes, Kellie Donnelly, and Lucy Murfitt.

I want to give a special shout-out to Lucy because she was able to help navigate some of the issues that perhaps were not seen upfront and in person, but behind the scenes were very important, not the least of which was the amendment we took a voice vote on yesterday relating to the wild horses in North Carolina. Managing interesting issues and doing it deftly was Lucy's strong suit.

I thank Severin Randall. I also thank Annie Hoefler, who made sure anything I needed in my book was there, Michael Tadeo, Tristan Abbey, Chester Carson, Isaac Edwards, Heidi Hansen, Chris Kearney, Chuck Kleeschulte, Kip Knudson, Brianne Miller, Jason Huffnagle, Ben Reinke, Krystal Edens, Melissa Enriquez, Deanna Mitchell, and Karen Dildei. They are all members of our team on the Republican side who have been working day and night for weeks and months now.

But we can't work a bill as successfully as we have today without working hand-in-glove with your counterparts on the other side. Just as Senator CANTWELL and I worked together, our staffs worked together, and they were led very ably by Angela Becker-Dippmann. Angela came to the committee after being pulled out of another place at the request of Senator CANTWELL, and her guidance has been extraordinary. I greatly appreciate her work.

I wish to recognize the other members of the minority Energy Committee staff as well. Sam Fowler has been around since time immemorial guiding us. I thank Rebecca Bonner, David Brooks, John Davis, Benjamin Drake, David Gillers, Rich Glick, Spencer Gray, Sa'Rah Hamm, Aisha Johnson, Faye Matthews, Scott McKee, Casey Neal, Bryan Petit, David Poyer, Betsy Rosenblatt, Samantha Siegler, Bradley Sinkaus, Carolyn Sloan, Rory Stanley, Melanie Stansbury, Al Stayman, Nick Sutter, Stephanie Teich-McGoldrick, and Brie Van Cleve.

This is kind of a list of Emmy Award winners in my book. But as good as our teams are, we need help here on the floor. The folks on the floor staff have been fabulous and extraordinary, and we thank them for their efforts. Laura Dove and Gary, thank you for what you have done. The other members of the Republican floor staff—Robert Duncan, Chris Tuck, Mary Elizabeth Taylor, Megan Mercer, Katherine Kilroy, Tony Hanagan, and Mike Smith—are great people to work with, and we appreciate their guidance.

We had good, strong support from the leader's office. Neil Chatterjee was a kind of energy whisperer for many of us and was a great help, as well as Kate Sterne and Monica Popp with Senator CORNYN's office, Eric Ueland and Becky Cole on the Budget Committee, Heather Burnham and Christina Jacquet at Senate Legislative Counsel, and Megan Carroll and Kathy Gramp at the Congressional Budget Office.

I am proud of the work so many have done in getting us here. We are looking forward to sitting down with our counterparts on the House side and getting to work to make sure the benefits we have achieved today in the Senate are replicated with our colleagues in the House so that we can see passage of an energy bill by both bodies and signed into law by the President.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask consent that I be permitted to make some remarks followed by the Senator from California, after which the Senate would go back into a quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator FEINSTEIN and I be allowed to speak, me first and Senator FEINSTEIN second.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

Mr. ALEXANDER. Mr. President, in the next few minutes, Senator FEINSTEIN and I will submit for the Senate's consideration the first appropriations bill of the year. This will be the Energy and Water appropriations bill. It will be the earliest that any appropriations bill has been submitted since the Budget Act was passed in 1974. This is a good sign for the Senate. It means we are serious about our most basic constitutional responsibilities, which is the oversight of the spending of money, the setting of priorities, and doing it in a way that allows every Senator to participate.

I am privileged to be able to work with Senator FEINSTEIN, who is able to come to a result after we have examined an important piece of legislation. She has a background as a manager, as a mayor, as a chairman of important committees, and I am very privileged to have the chance to work with her, whether we are in the majority or the minority.

Before I talk about the bill specifically, since this is the first bill, I wish to say a few words about the money we are spending. This year the Budget Control Act, which the Senate adopted in 2015—which was the law passed by the Senate by a vote of 64 to 35, October 30 of last year. This year the Budget Control Act sets the amount of money we are to spend at $1.07 trillion. Our bill, the Energy and Water bill, will be $37.5 billion of that approximately $1 trillion. However, the entire Federal budget is a lot more than $1 trillion. In fact, it is four times as much. The entire Federal budget this year is $3.9 trillion—nearly $4 trillion.

We are talking about appropriated dollars of about $1 trillion, plus about 3 trillion other dollars we will spend this year through the Federal Government. Those dollars are what we call mandatory or automatic spending, plus interest on the debt.

Federal health care spending, as an example, is about $1 trillion. It is about the same amount as all of the 12 appropriations bills that will be considered. The Centers for Medicare & Medicaid Services head, Mr. Slavitt, is in charge of spending about $886 billion every year—almost all mandatory spending. The part of the budget we are talking about, and we will be talking about for the next 12 weeks, is one-fourth of the total Federal spending.

I thank Senator MCCONNELL, the majority leader, for making this a priority. I thank Senator REID, the Democratic leader, for suggesting to Senator MCCONNELL and to all of us on behalf of the Democrats that they, too, want to see us move through the process. This gives the American people a chance to see how we spend their money.

The American people care about how we spend their money because we have a big debt. There is a lot of talk about that debt, which is $19 trillion. This year, the total revenues of the Federal

Government are about $3.36 billion, but the spending is about $3.9 trillion. Elementary school mathematics will show we are adding about $534 billion more to our $19 trillion debt this year.

It is important to point out that the spending we are talking about in this bill and the other 11 discretionary bills is not the problem. I would like to ask the Chair to look at the bottom line, the blue line. That is what we call the discretionary spending. That is the money the Appropriations Committee works on. That is the trillion dollars we are appropriating in these bills.

It has been flat since 2008, and it is rising at about the rate of inflation over the next 10 years, according to the Congressional Budget Office. If the entire budget had followed the path of that blue line on the bottom—that is the money we are in charge of in the Appropriations Committee—we would not have a debt problem. Look where the debt problem is coming from. That is the automatic mandatory spending, that red line. That does not even include the interest on the Federal debt. I have suggested in our conference that maybe what the Senate would want to do is turn the entire budget over to the Appropriations Committee because we are doing our job, and apparently the rest of the Senate—or all of us as a whole—is not doing its job and is running up a big Federal debt.

Senator FEINSTEIN and I have been presented an amount of money by the committee and by the Senate that we allocate. We have done that through four hearings. I will be talking about that. We have set priorities, we have cut wasteful spending, and we are beginning to get big construction projects under control.

We have eliminated funding for an infusion project in France. That saves $125 million in a year, which we can then put on other priorities. We have the Uranium Processing Facility in Oak Ridge, TN, now on a project where it will be 90 percent designed before it is built, and it will be on time and on budget before it is finished.

We are working with the Armed Services Committee to try to do something similar with a mock facility in South Carolina. We have a red team—the kind of red team that helped us at Oak Ridge and South Carolina—working on the New Mexico construction projects. Working together, our oversight is saving the taxpayers money, staying within the budget, and I am glad to say we are not part of the debt problem.

Sometimes we as a full Senate will start working on that top line. Senator CORKER and I have a bill that would reduce that top-line growth by $1 trillion over the next 10 years. The problem is, Senator CORKER and I are the only cosponsors of the bill, so we will not be talking about that much today.

I understand there may be an attempt to change the level of funding that we make, and I will talk about that at the time this afternoon when the amendments come up. So everybody is thinking about that beforehand, No. 1, we are following the law. That is where our budgeting is. No. 2, the Budget Committee of the Senate has begun to start its budget process based upon the number that the law sets. No. 3, our appropriations bills are not the debt problem. The problem is the mandatory spending and interest on the debt, and sooner or later we need to deal with it.

Last Thursday Senator FEINSTEIN and I and the Senate Appropriations Committee approved the fiscal year 2017 Energy and Water Development appropriations bill by a unanimous vote of 30 to nothing. Thirty of the 100 Members of this body who are on that committee all voted for it.

This bill includes some items very familiar to the American people, things that they would like for us to fund properly, such as flood control; navigation on our rivers; deepening harbors, whether it is in California, Mobile, Charleston, or Savannah; rebuilding locks, whether they are in Ohio, Kentucky, Tennessee, or in inland waterways; the 17 National Labs, which are our secret weapon in job growth across our country; and supercomputing. We seek to lead the world in supercomputing, and it is another great source of job growth.

A big part of our budget has to do with nuclear weapons and national defense. At a time when our world is so unsafe, Americans are hoping we can deal with that.

We worked together in a fair and accommodating manner under challenging fiscal strengths to create a bipartisan bill. As I said earlier, the sum is $37.5 billion, $355 million more than last year. Reaching a bipartisan consensus wasn't easy. We received an allocation for defense spending that was higher than last year by $1.163 billion but $808 million lower for the nondefense parts of our budget.

The funding includes several Federal agencies that do important work, including the U.S. Department of Energy, the Nuclear Regulatory Commission, the Army Corps of Engineers, the Bureau of Reclamation, the National Nuclear Security Administration, and the Appalachian Regional Commission.

We also started with an unrealistic budget proposal from the President, which cut the Corps of Engineers by $1.4 billion and proposed $2.3 billion in new mandatory funding for the Department of Energy.

The bill Senator FEINSTEIN and I negotiated supports our waterways and puts us one step closer to doubling basic energy research, helps to resolve the nuclear waste stalemate, cleans up hazardous material at Cold War sites, and maintains our nuclear weapons stockpile. We also conducted intensive oversight of the President's budget request and the Department of Energy. As I mentioned earlier, we eliminated at least one low-priority program which will save about $125 million to reduce waste. That program, the International Thermonuclear Experimental Reactor, is located in France and started in 2005 with an initial cost of $1.1 billion, but we have already invested that much and the project will not likely be completed until after 2025.

As I mentioned earlier, we worked together to keep the big uranium projects on time and on budget. It is now on time and on budget. It will be 90-percent designed before it is constructed, and we are also working together to control the MOX facility and the facility in New Mexico.

Mr. President, 77 Senators submitted requests to us, and we worked hard to accommodate the request of every Senator. We have had many other Senators who have come to us since then with amendments they would like to offer. Most Senators—I would say in the eighties—have something they think is important in this bill. If Senators decide we need to spend less money, I guess they need to be prepared to send us letters suggesting what they would like to take out of the bill, since we put letters into the bill based upon the amount of money the law said we should spend.

The last time the Senate passed this bill, the Energy and Water appropriations bill, under regular order was 2009. I look forward to a regular appropriations process.

At this time, I will briefly highlight a few parts of the bill. No. 1 is waterways infrastructure. The bill restores $1.4 billion that the President proposed to cut from the Corps of Engineers. It sets a new record level of funding for the Corps in a regular appropriations bill. Many Senators have urged us to do this. There is not a funding line in the bill that has more support than the Army Corps of Engineers. The Corps rebuilds locks and dams, dredges our rivers and harbors, works to prevent floods and storm damage, and builds environmental restoration projects. If we had simply approved the President's request, the Corps would have received less than what Congress appropriated in 2006, setting us back more than a decade.

In Tennessee, we provided enough funding to continue building a new Chickamauga Lock in fiscal year 2017. Up to $37 million will be available to the U.S. Army Corps of Engineers to continue work on the Chickamauga Lock. Only last month the Corps reiterated its most recent study that the Chickamauga Lock continues to be the fourth highest priority of essential American waterways to be rebuilt.

We included $1.3 billion for the Harbor Maintenance Trust Fund. This is the third consecutive year we funded the Harbor Maintenance Trust Fund consistent with the funding level that Congress recommended in the Water Resources Development Act. This will permit us to deepen harbors, including Gulfport, Charleston, Mobile, Texas, Louisiana, Anchorage, Savannah, and harbors on the west coast.

Doubling basic energy research is a goal I have long supported and is one of the most important things we can do to unleash our free enterprise system.

Senator DURBIN and I worked together on an amendment to the Energy bill that increases the authorized funding levels for the Office of Science by about 7 percent per year, which would double the budget of the Office of Science from a little over $5 billion today to more than $10 billion in 10 years. That is basically the money that the U.S. Government spends on energy research. The Senate adopted our amendment by a voice vote, which demonstrates how much support there is for this goal. The President proposed to spend even more on energy research, including the Mission Innovation proposal, the pledge launched by the United States and 19 other countries at the climate summit in Paris, to double Federal clean energy research over the next 5 years. The problem is that President Obama's budget request proposed $2.259 billion in new mandatory funding for the Department of Energy. However, his commitment to doubling Federal clean energy research with mandatory funding comes at the expense of other resources and other agencies, which is at best unhelpful and at worse misleading. It is wishful thinking, and everyone knows it is not going to happen. Instead, we focused on priorities for discretionary funding annually approved by Congress. That is the bottom line that is under control, and it is not the source of our Federal debt problems.

Our top priority was the Office of Science, which includes $5.4 billion to support basic energy research—$50 million more than last year. This is the second year we have been able to increase funding for the Office of Science, which sets a new record level for funding for that office in a regular appropriations bill. This puts us one step closer to doubling funding for Federal basic energy research.

The bill includes $292.7 million for ARPA–E, an agency that invests in high-impact energy technologies. The funding is a little more than last year's $1.7 million. The bill also supports the Department of Energy's continued efforts to advance exascale computing and includes a total of $285 million to produce these next-generation computers.

Nuclear power provides about 20 percent of our country's electricity and 60 percent of our carbon-free electricity. If we are going to have the abundance of clean, cheap, reliable energy that we want and need, we need to unleash nuclear power by removing obstacles in its way.

Our legislation sends a strong signal about our support for new technologies in the next generation of nuclear powerplants. We included $94.5 million for advanced reactors, $21 million more than the President's budget request. We included $95 million for small modular reactors, $32.5 million over last year.

One way our bill helps is by taking important steps towards solving our country's stalemate over what to do with nuclear waste—a bipartisan issue and a goal that Senator FEINSTEIN and I agree on and have been working hard to accomplish. Our legislation, therefore, includes a pilot program, which was Senator FEINSTEIN's suggestion 3 years ago, for consolidated nuclear waste storage. She and I introduced that over the past 4 years. The new sites we are seeking to establish will not take the place of Yucca Mountain—we have more than enough useful fuel to fill Yucca Mountain to its legal capacity—but it would rather complement it. We also provide funding for the U.S. Department of Energy to store nuclear waste at private facilities approved by the Nuclear Regulatory Commission, such as the one proposed in West Texas.

We are also supporting research in this bill that will help continue the work that is necessary to safely extend nuclear power operating licenses from 60 to 80 years. In my view, that is the simplest, easiest way to have a large amount of new carbon-free electricity in the near term.

Finally, this legislation provides a total of $12.9 billion for the National Nuclear Security Administration and fully funds the warhead life extension programs recommended by the Nuclear Weapons Council in the design of the Ohio-class replacement submarine. It also supports crucial weapons facilities related to our national security.

The bill provides $575 million for the Uranium Processing Facility in Oak Ridge, TN. It keeps the project on track to be completed by 2025, at a cost of no more than $6.5 billion.

The legislation also advances our efforts to clean up hazardous materials at Cold War sites. A total of $5.4 billion is provided to support cleanup efforts, which is $144 million above the President's budget request.

This bill adequately funds our Nation's energy and water priorities and fully complies with the spending limits established by the Budget Control Act. The Budget Control Act continues a line of spending for the appropriated dollars, which is the bottom line on the chart. The blue line on the chart, which has been flat since 2008 and only grows with the rate of inflation for the next 10 years according to the Congressional Budget Office, is not the source of the Federal debt problem. The rest of the line spends three times as much as the amount of money we are spending in the 12 appropriation bills we will be addressing for the next 2 weeks.

I thank Senator FEINSTEIN for her leadership and cooperation. I urge Senators to support the bill. We are already working on amendments with Senators that they seek to offer. We hope to begin voting on some this afternoon in an open amendment process and thereby proving that the appropriations process works.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of the fiscal year 2017 Energy and Water Development appropriations bill.

I wish to begin by thanking my friend and colleague, Senator ALEXANDER. We have served together as chairman or ranking member of this subcommittee for the past 5 years. I know of no one in this body who is more intelligent or has a greater sense of fairness. I just want Senator ALEXANDER to know what a great treat it has been to work with him for 5 years. I think we have a bill that will stand the test of time. Each of us has had different views on different parts of the bill, but that is part of what makes this a great country.

I say to Senator ALEXANDER, I just want to thank you for being who you are and thank you for being the kind of U.S. Senator you are. Thank you very much.

As the chairman mentioned, this bill has reached the floor for the first time since 2009. It is also being considered as an appropriations bill on the floor with the quickest time since the budgeting process began in 1974. I just want to say thank you to our leadership on both sides for the desire to get us back to regular order and particularly on appropriations bills.

I wish to thank all of my colleagues on the Appropriations Committee for supporting this bill during last week's markup. As the chairman said, the vote was 30 to nothing, and that is a pretty good vote, so I thank my colleagues very much.

I believe this is a good bill. It is a fair bill. It does contain trade-offs and hard choices, and we have worked together to settle differences. Obviously, the chair is the chair and those views come No. 1, but in the case of this chair, he has been eminently fair and I am very grateful for that.

As he said, our allocation is $37.5 billion. That is a $350 million increase over fiscal year 2016, and given the top line budget constraints, this is a good allocation.

Let me first speak about the defense portion of the bill. Defense spending in this bill is $20 billion, a $450 million increase over fiscal year 2016. Our defense spending includes funding for cleaning up the environmental legacy of the cold war, maintaining our nuclear deterrent, supporting our nuclear Navy, and partnering with allies to keep nuclear materials out of the hands of terrorists.

Funding for our nuclear deterrent this year is $9.3 billion, $438 million above last year and equal to the President's budget request.

The science and engineering activities needed to maintain the nuclear stockpile without explosive testing are fully funded at $1.8 billion. The life extension programs for our nuclear warheads are also fully funded, including for the new cruise missile warhead, which I will speak to a little bit more in a moment.

I wish to take a moment now, though, to discuss my concerns with the long-range standoff weapon, or the LRSO. I believe the Defense Department is wrong when it argues that this isn't a new nuclear weapon. I think it is, and it carries with it powerful ramifications. The LRSO would carry an upgraded W80 warhead capable of immense destruction, and it would be fitted on to a new missile specifically designed to defeat the world's most advanced missile defense systems.

I firmly believe that the LRSO is unnecessary. The United States has already developed and fielded a conventional cruise missile specifically designed to do the same job as the LRSO. Furthermore, the United States has a variety of nuclear ballistic missiles that can reach any target anywhere in the world.

Why do I feel so strongly about this? It is very personal with me. I am one of the few who have seen this. I was 12 years old when the United States of America—my country—dropped nuclear weapons on Hiroshima and Nagasaki. As the hundreds of thousands of bodies were seared with burns as the radiation spread, I have never quite gotten over what happened. I have reached the concept that nuclear weapons are really bad for this world. I will not go into it. When we see countries like North Korea practicing tests and other countries struggling to get a nuclear weapon and the high likelihood of terrorists also seeking out radioactive materials, I am very concerned about the probable use of this missile.

In a letter sent 2 years ago, Under Secretary of Defense Frank Kendall wrote the following: ''Beyond deterrence, an LRSO-armed bomber force provides the President with uniquely flexible options in an extreme crisis.''

This suggestion—that nuclear weapons should be a ''flexible'' option—is alarming. We should never lower the threshold for using nuclear weapons. In fact, I believe we can further reduce the role of nuclear weapons while still maintaining their deterrent effect by terminating the LRSO and instead relying on conventional nonnuclear weapons.

Obviously, this is a point of disagreement between the two of us. This is why I am very thankful to the chairman. He has agreed to include language in the committee report requiring Energy Secretary Moniz and the Nuclear Weapons Council to provide more information on this warhead, including its military justification and the extent to which conventional weapons systems can meet the same objectives. I think we should have that material.

I am also grateful to Senator ALEXANDER for his commitment to hold a subcommittee hearing on the new nuclear cruise missile. I believe this issue hasn't received the attention it deserves, and it requires some public discussion. So I want to say thank you to him. I have yielded to his point of view and exchange. I actually am happy with the report language and the hearing. So I thank the chairman very much.

Going back to the nonproliferation account, it is funded at the President's requested level of $1.8 billion. But this is a $120 million decrease from last year, and I hope we can do better next year.

Work with Russia on securing material and facilities in that country has slowed, but other threats remain at home and abroad, and I believe we should be investing more.

Funding for the environmental cleanup of legacy cold war sites is the highest it has been in many years—and that is very good—at $5.4 billion, which is a $126 million increase above last year. This reflects the importance this subcommittee has placed on addressing environmental contamination at sites in Washington, New Mexico, South Carolina, and Tennessee. I thank the chairman for what he said about putting a pilot nuclear waste facility reference in our bill. Nuclear waste is piling up all over this country, with no good place for it to go. I can reference my State alone.

Southern California Edison, a huge utility serving over 16 million people, has had two big nuclear reactors, each one 1,100 megawatts. They are now in the process of decommissioning those reactors. This facility sits in the heart of an urban area, and there are now 3,300 hot plutonium rods in spent fuel pools at that facility site. We need a place for nuclear waste in this country because it is very dangerous to have it spread all over and to have decommissioned reactors with hot plutonium waste in spent fuel pools right on the coast of the Pacific Rim where we see earthquakes happening, not the least of which was in Ecuador and a recent quake in Japan.

Now let me turn to the nondefense half of the bill. Our nondefense allocation this year is $17.5 billion, and that is roughly a $100 million decrease from fiscal year 2016. One of the anomalies of this portfolio is the fact that as defense goes up, it crowds out the nondefense—important things like the Army Corps of Engineers, important things like the Office of Science. So our nondefense allocation is at $17.5 billion.

Despite this, the bill maintains funding levels for basic scientific research, energy technology development, and water infrastructure. Funding for the Department of Energy's Office of Science sees a modest increase of $50 million to $5.4 billion this year.

The Office of Science is the largest single funder of physical science research in the United States—think of that—and supports research at 300 universities in all 50 States. Its experimental facilities host more than 24,000 researchers each year.

Funding for the Office of Energy Efficiency and Renewable Energy is $2.1 billion, equal to fiscal year 2016, and that program funds activities to develop the technology that makes our homes, cars, and factories more efficient. It lowers the cost of renewable energy sources like solar and geothermal.

While I wish we could have funded the President's proposed mark for Mission Innovation climate change, I want my colleagues to know that we did the best we could, but we were simply unable to make it work with the allocation we received.

The chairman mentioned the Army Corps of Engineers. With the highway program and the Army Corps, this is really the Federal infrastructure program, and it is funded at $6 billion. This is a historic high. It maintains level funding for the Bureau of Reclamation at $1.275 billion. In particular, the bill provides an estimated $1.3 billion from the harbor maintenance trust fund. That is the highest level ever.

While users of our Nation's harbors and ports pay into the fund, the money does not get disbursed by itself, and it is up to us to appropriate the money out of the fund. This has been a challenge under current budget caps, and it has been a challenge to me because my State—California—pays approximately 40 percent of the fund's receipts each year but gets shortchanged by the disbursement formula. So I am very pleased that the chairman and the members have agreed to provide an additional $50 million for energy ports and donor ports like L.A.-Long Beach and Seattle-Tacoma that otherwise see little benefit from the harbor maintenance trust fund.

The bill, once again, includes $100 million for the Bureau of Reclamation's Western Drought Response program. Ten of the 17 reclamation States are currently suffering from severe to exceptional drought conditions that have devastated the agricultural industry, left some rural communities without any water for drinking or bathing, and killed tens of millions of trees that could lead to yet another catastrophic wildfire season in these 10 States. We in California had hoped that El Nino storms would refill California reservoirs, but the drought persists and will persist. It is estimated that we need a snowpack, just for point of interest, of 150 percent of the average by April 1 in order to end the drought, and the snowpack was only 87 percent of the historical average. Therefore, this $100 million is critical to operating water systems more flexibly and efficiently, restoring critical wetlands and habitat, and ensuring that the best science and observational techniques are being brought to bear.

The bill also makes critical investments in new water supply technologies to help mitigate the current drought and lessen the impacts of future droughts such as desalinization, water recycling, and groundwater recharge.

As Members begin to bring amendments to the floor, I very much urge my colleagues, particularly on this

side, to exercise restraint, particularly with policy amendments. The Senate has just completed a broad energy authorization bill, and I understand that the Environmental and Public Works Committee will soon be drafting a Water Resources Development Act. So I want my colleagues to know that the subcommittee has had to make some tough choices, but these decisions were made in a bipartisan way and have led us to draft a balanced bill, one that I believe and hope should satisfy Members on both sides of the aisle.

I thank the chairman and the Presiding Officer, and I yield the floor.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on the motion to proceed on H.R. 2028 is withdrawn and the Senate will proceed to the consideration of H.R. 2028, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $109,000,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,641,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $330,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,909,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2017.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $101,500,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $28,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $178,000,000, to remain available until September 30, 2017, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $3,000,000, to remain available until September 30, 2017.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2016, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further,

That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATIONS AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. (a) Of the funds made available in prior appropriations Acts for water resources efforts under the headings ''Corps of Engineers-Civil, Department of the Army, Construction'' that remain unobligated as of the date of enactment of this Act, including amounts specified in law for particular projects, programs, or activities, $128,000,000 is rescinded.

(b) None of the funds under subsection (a) may be rescinded from amounts that the Congress designated as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $4,700,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 104. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2016, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms ''fill material'' or ''discharge of fill material'' for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

PROJECT DEAUTHORIZATION

SEC. 105. (a) Not later than 180 days after the date of enactment of this Act, the Secretary shall execute a transfer agreement with the South Florida Water Management District for the project identified as the ''Ten Mile Creek Water Preserve Area Critical Restoration Project'', carried out under section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768).

(b) The transfer agreement under subsection (a) shall require the South Florida Water Management District to operate the transferred project as an environmental restoration project to provide water storage and water treatment options.

(c) Upon execution of the transfer agreement under subsection (a), the Ten Mile Creek Water Preserve Area Critical Restoration Project shall no longer be authorized as a Federal project.

SEC. 106. Section 5032(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1205) is amended by striking ''15'' and inserting ''20''.

SEC. 107. (a) No funds made available in this Act or any prior Act shall be available to reallocate water within the Alabama-Coosa-Tallapoosa (ACT) river basin, or any study thereof, until the Corps of Engineers has executed a Partnering Agreement with Alabama and Georgia outlining the participation of each State in a water reallocation study for the ACT river basin.

(b) The prohibition in subsection (a) shall apply to the use of contributed or other non-Federal funds.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $9,874,000, to remain available until expended, of which $1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That, of the amount provided under this heading, $1,350,000 shall be available until September 30, 2017, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: Provided further, That, for fiscal year 2016, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $988,131,000, to remain available until expended, of which $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,899,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That, of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That, of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $49,528,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2017, $58,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits—

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking ''$300,000,000'' and inserting ''$500,000,000''.

SEC. 204. Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111–85, is amended by striking ''2016'' each place it appears and inserting ''2020''.

SEC. 205. The Reclamation Safety of Dams Act of 1978 is amended by—

(1) striking ''Construction'' and inserting ''Except as provided in section 5B, construction'' in section 3; and

(2) inserting after section 5A (43 U.S.C. 509a) the following:

''SEC. 5B. Notwithstanding section 3, if the Secretary, in her judgment, determines that additional project benefits, including but not limited to additional conservation storage capacity, are necessary and in the interests of the United States and the project and are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary's activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided the costs associated with developing the additional project benefits are allocated to the authorized purposes of the project that have a benefit, a cost share agreement related to the additional project benefits is reached among State and Federal funding agencies and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and acts supplemental to and amendatory of that Act.''.

SEC. 206. Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(a) by inserting ''and effective October 1, 2015, not to exceed an additional $1,100,000,000 (October 1, 2003, price levels),'' after ''(October 1, 2003, price levels),'';

(b) in the proviso—

(1) by striking ''$1,250,000'' and inserting ''$20,000,000''; and

(2) by striking ''Congress'' and inserting ''Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate''; and

(3) by adding at the end the following: ''For modification expenditures between $1,800,000 and $20,000,000 (October 1, 2013, price levels), the Secretary of the Interior shall, at least 30 days before the date on which the funds are expended, submit written notice of the expenditures to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate that provides a summary of the project, the cost of the project, and any alternatives that were considered.''.

SEC. 207. The Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(a) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

(b) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(c) complete a publicly available draft feasibility study for the project described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(d) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2017;

(e) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2017; and

(f) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision.

SEC. 208. Notwithstanding any other provision of this Act, funds provided by this Act for California Bay-Delta Restoration may be used to deliver water to the Trinity River above the minimum requirements of the Trinity Record of Decision or to supplement flows in the Klamath River.

SEC. 209. Notwithstanding any other provision of this Act, funds made available by this Act for Central Valley Project Restoration Fund may be used for all authorized activities necessary to supplement or enhance the instream flow requirements in the State of California that are mandated under the Endangered Species Act of 1973 and the Central Valley Project Improvement Act.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,950,000,000, to remain available until expended: Provided, That, of such amount, $160,000,000 shall be available until September 30, 2017, for program direction: Provided further, That, of the amount provided under this heading, the Secretary may transfer up to $45,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $152,306,000, to remain available until expended: Provided, That, of such amount, $27,000,000 shall be available until September 30, 2017, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $950,161,000, to remain available until expended: Provided, That, of such amount, $80,000,000 shall be available until September 30, 2017, for program direction including official reception and representation expenses not to exceed $10,000: Provided, That, of such amount, $24,000,000 shall be derived from the Nuclear Waste Fund.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral

substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $610,000,000, to remain available until expended: Provided, That, of such amount, $115,000,000 shall be available until September 30, 2017, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $200,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $7,600,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $244,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $614,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $32,959,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,143,877,000, to remain available until expended: Provided, That, of such amount, $185,000,000 shall be available until September 30, 2017, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $291,000,000, to remain available until expended: Provided, That, of such amount, $28,000,000 shall be available until September 30, 2017, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That, for necessary administrative expenses to carry out this Loan Guarantee program, $42,000,000 is appropriated, to remain available until September 30, 2017: Provided further, That $25,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than $17,000,000: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until September 30, 2017.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $248,142,000, to remain available until September 30, 2017, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $117,171,000 in fiscal year 2016 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than $130,971,000: Provided further, That, of the total amount made available under this heading, $31,297,000 is for Energy Policy and Systems Analysis.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $46,424,000, to remain available until September 30, 2017.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $8,882,364,000, to remain available until expended: Provided, That of such amount, $97,118,000 shall be available until September 30, 2017, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,705,912,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,300,000,000, to remain available until expended: Provided, That of such amount, $42,504,000 shall be available until September 30, 2017, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $375,000,000, to remain available until September 30, 2017, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck and one armored vehicle for replacement only, $5,180,000,000, to remain available until expended: Provided, That, of such amount, $281,951,000 shall be available until September 30, 2017, for program direction: Provided further, That the Office of Environmental Management shall not accept ownership or responsibility for cleanup of any National Nuclear Security Administration facilities or sites without funding specifically designated for that purpose in an Appropriations Act at the time of transfer.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $614,000,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department

of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $764,000,000, to remain available until expended: Provided, That, of such amount, $249,137,000 shall be available until September 30, 2017, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Shoshone Paiute Trout Hatchery, the Spokane Tribal Hatchery, the Snake River Sockeye Weirs and, in addition, for official reception and representation expenses in an amount not to exceed $5,000: Provided, That, during fiscal year 2016, no new direct loan obligations may be made.

OPERATIONS AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operations and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,900,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $6,900,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $66,500,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATIONS AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operations and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $47,361,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $35,961,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than $11,400,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $63,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATIONS AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $307,714,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $302,000,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That, notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $214,342,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than $93,372,000, of which $87,658,000 is derived from the Reclamation Fund: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $352,813,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operations, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,490,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): Provided, That, notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $4,262,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2016 appropriation estimated at not more than $228,000: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: Provided further, That, for fiscal year 2016, the Administrator of the Western Area Power Administration may accept up to $460,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: Provided further, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $319,800,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $319,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2016 shall be retained and used for expenses necessary in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from

which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the ''Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Independent Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(5) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—

(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—

(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility; and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary shall conduct 1 or more public hearings in the vicinity of each potential site and in at least 1 other location within the State in which the site is located to solicit public comments and recommendations.

(h) USE OF NUCLEAR WASTE FUND.—The Secretary may make expenditures from the Nuclear Waste Fund to carry out this section, subject to appropriations.

SEC. 307. (a) NOTIFICATION OF STRATEGIC PETROLEUM RESERVE DRAWDOWN.—None of the funds made available by this Act or any prior or subsequent Act, or funds made available in the SPR Petroleum Account, may be used in this fiscal year or each subsequent fiscal year, to conduct a drawdown (including a test drawdown) and sale or exchange of petroleum products from the Strategic Petroleum Reserve unless the Secretary of Energy provides notice, in accordance with subsection (b), of such exchange, or drawdown (including a test drawdown) to the Committees on Appropriations of both Houses of Congress.

(b)(1) CONTENT OF NOTIFICATION.—The notification required under subsection (a) shall include at a minimum—

(A) the justification for the drawdown or exchange, including—

(i) a specific description of any obligation under international energy agreements; and

(ii) in the case of a test drawdown, the specific aspects of the Strategic Petroleum Reserve to be tested;

(B) the provisions of law (including regulations) authorizing the drawdown or exchange;

(C) the number of barrels of petroleum products proposed to be withdrawn or exchanged;

(D) the location of the Strategic Petroleum Reserve site or sites from which the petroleum products are proposed to be withdrawn;

(E) a good faith estimate of the expected proceeds from the sale of the petroleum products;

(F) an estimate of the total inventories of petroleum products in the Strategic Petroleum Reserve after the anticipated drawdown;

(G) a detailed plan for disposition of the proceeds after deposit into the SPR Petroleum Account; and

(H) a plan for refilling the Strategic Petroleum Reserve, including whether the acquisition will be of the same or a different petroleum product.

(2) TIMING OF NOTIFICATION.—The Secretary shall provide the notification required under subsection (a)—

(A) in the case of an exchange or a drawdown, as soon as practicable after the exchange or drawdown has occurred; and

(B) in the case of a test drawdown, not later than 30 days prior to the test drawdown.

(c) POST-SALE NOTIFICATION.—In addition to reporting requirements under other provisions of law, the Secretary shall, upon the execution of all contract awards in this fiscal year and each subsequent fiscal year associated with a competitive sale of petroleum products, notify the Committees on Appropriations of both Houses of Congress of the actual value of the proceeds from the sale.

(d)(1) NEW REGIONAL RESERVES.—The Secretary may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(2) The budget request or notification shall include—

(A) the justification for the new reserve;

(B) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(C) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(D) the location of the reserve; and

(E) the estimate of the total inventory of the reserve.

SEC. 308. (a) Unobligated balances available from appropriations for fiscal years 2005 through 2010 are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) ''Energy Programs—Energy Efficiency and Renewable Energy'', $16,677,000.

(2) ''Energy Programs—Electricity Delivery and Energy Reliability'', $900,000.

(3) ''Energy Programs—Nuclear Energy'', $1,665,000.

(4) ''Energy Programs—Fossil Energy Research and Development'', $12,064,000.

(5) ''Energy Programs—Science'', $4,717,000.

(6) ''Power Marketing Administrations—Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'', $4,832,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. (a) Unobligated balances available from appropriations are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', $65,135,000.

(2) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation'', $19,324,000.

(3) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors'', $628,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 310. Of the amounts made available by this Act for ''National Nuclear Security Administration—Weapons Activities'', up to $50,000,000 may be reprogrammed within such account for Domestic Uranium Enrichment, subject to the notice requirements in section 301.

TECHNICAL CORRECTION

SEC. 311. (a) CONTRACTS FOR STORAGE.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary is authorized, in this year and each subsequent fiscal year, to enter into contracts to store spent nuclear fuel and high-level radioactive waste, as applicable, to which the Secretary holds the title or has a contract to accept title, at any facility licensed by the Nuclear Regulatory Commission for such storage.

(b) TRANSFER OF TITLE.—Delivery, and acceptance by the Secretary, of any spent nuclear fuel or high-level radioactive waste for storage under this section shall constitute a transfer of title to the Secretary of such spent fuel or waste.

(c) CONTRACT MODIFICATION.—The Secretary is authorized to enter into new contracts or modify existing contracts with any person who generates or holds title to high-level radioactive waste or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and storage of such high-level radioactive waste or spent nuclear fuel at a facility described under subsection (a).

SEC. 312. Notwithstanding any other provision of law, the provisions of 40 U.S.C. 11319 shall not apply to funds appropriated in this title to Federally Funded Research and Development Centers sponsored by the Department of Energy.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $105,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,150,000, to remain available until September 30, 2017.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $7,500,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $990,000,000, including official representation expenses not to exceed $25,000, to remain available until expended: Provided, That, of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2017, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $872,864,000 in fiscal year 2016 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than $117,136,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,136,000, to remain available until September 30, 2017: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,060,000 in fiscal year 2016 shall be retained and be available until September 30, 2017, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than $2,076,000: Provided further, That, of the amounts appropriated under this heading, $958,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2017.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(d) The Commission shall provide a monthly report to the Committees on Appropriations of

both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

SEC. 402. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 403. Public Law 105–277, division A, section 101(g) (title III, section 329(a), (b)) is amended by inserting, in subsection (b), after ''State law'' and before the period the following: ''or for the construction and repair of barge mooring points and barge landing sites to facilitate pumping fuel from fuel transport barges into bulk fuel storage tanks.''.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used to implement, administer, carry out, modify, revise, or enforce Executive Order 13690 (entitled ''Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input'').

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2016''.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3801

(Purpose: In the nature of a substitute.)

Mr. ALEXANDER. Mr. President, I call up the substitute amendment No. 3801.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3801.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3804 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent to call up amendment No. 3804.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3804 to amendment No. 3801.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify provisions relating to Nuclear Regulatory Commission fees)

Beginning on page 55, line 23, strike ''*Provided*'' and all that follows through page 56, line 13, and insert the following: ''*Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $823,114,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $5,000,000 shall be available for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and $5,000,000 of that amount shall not be available for fee revenues, notwithstanding section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214): *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $115,886,000.''.

Mr. ALEXANDER. The senior Senator from Louisiana is here to speak, but I thank Senator FEINSTEIN for her remarks and her leadership.

I would remind our colleagues we are open for business, in terms of amendments. Fortunately, 77 of the Senators had made requests that we were able to accommodate in our basic bill. We have talked to maybe a dozen more since then, and are accommodating amendments whenever we can.

We would like to begin voting on any other amendments that we need to vote on this afternoon, if possible, so we can move on through the bill and hopefully get to the next appropriations bill.

Mr. President, I thank especially the staff of Senator FEINSTEIN—Doug Clapp, Chris Hanson, Mark Mendenhall, and Samantha Nelson—for the way they have worked with us, whether we are in the majority or the minority. I also would like to thank my own staff—Tyler Owens, Adam DeMella, Meyer Seligman, Jen Armstrong, and Hayley Alexander—for extraordinarily good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

COMMEMORATING THE 6TH ANNIVERSARY OF THE ''DEEPWATER HORIZON'' EXPLOSION AND OIL-SPILL

Mr. VITTER. Mr. President, I rise to commemorate the sixth anniversary of the *Deepwater Horizon* explosion and oilspill that took the lives of 11 men and devastated so many gulf coast communities. It was a horrible event, but I think it is very important and appropriate that we always recognize the lives lost in that disaster.

The 11 lives lost were Jason Anderson, then 35, of Midfield, TX; Aaron Dale ''Bubba'' Burkeen, 37, of Philadelphia, MS; Donald Clark, 49, of Newellton, LA; Stephen Ray Curtis, 40, of Georgetown, LA; Gordon Jones, 28, of Baton Rouge, LA; Roy Wyatt Kemp, 27, of Jonesville, LA; Karl Dale Kleppinger, Jr., Natchez, MS; Keith Blair Manuel, 56, of Gonzales, LA; Dewey Revette, 48, of State Line, MS; Shane Roshto, 22, of Liberty, MS; and Adam Weise, 24, of Yorktown, TX.

The gulf coast is one of the most resilient parts of the country, of the world, having faced a variety of disasters and yet always bounces back, always continues to push forward. In Louisiana, offshore oil and gas development is more than just our State's largest economic driver, it is a way of life, supporting countless jobs and families across the region. That is why our top priority must always be maintaining the highest level of safety standards. In the last 6 years, we have been working to make sure this kind of human tragedy that we commemorate today on this sixth anniversary never happens again.

It has been a real uphill battle, but the good news is that we have had a few solid wins during that time. Louisiana's resilience and recovery cannot be easily measured in terms of numbers and figures, but I can say with confidence that each and every Louisianian should be proud of how far we have come, including in these last 6 years. That is why as a region it continues to be imperative that we fight misguided attempts coming out of Washington that would hinder the progress we have made. From fighting President Obama's misguided drilling moratorium to working to pass the RESTORE Act, our region has continually shown our ability to work together to produce the right positive results, but the battle certainly is ongoing.

The current dramatic downturn in energy production has had ripple effects across Louisiana and the country, which is why the very last thing the government should be doing now is imposing new obstructive rules and regulations. Instead, we should be focusing

on finding commonsense solutions to improve safety and buoy our Louisiana-based businesses and preserve thousands of crucial jobs. We must support policies that create a strong balance between having a solid regulatory scheme that certainly promotes strong safety standards while also allowing the energy industry to thrive and prosper.

In the 6 years since the tragic *Deepwater Horizon* explosion and spill, Louisiana has done what we do best: recover, rebuild, and progress. In order to build a broader future for our families, businesses, and communities, we must also protect the symbiotic relationship between Federal regulations and the oil and gas industry and not allow the former to strangle the positive livelihood so many depend on in that industry.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE AGREEMENT

Mr. BARRASSO. Mr. President, on Friday, representatives from more than 130 countries are going to be gathering at the United Nations in New York to sign a broad new climate change agreement. This is the same agreement that countries negotiated in Paris last year.

Back in December, President Obama said that it was a ''strong'' agreement. Hillary Clinton called it a ''historic step forward.'' But for many Americans, it is actually going to be a giant step backward.

First, I believe this agreement is terrible for our economy. The Obama administration is using this international agreement to force new regulations on American energy producers and new restrictions on the American people. There are new rules on coal producers, and there are new rules on exports of American crude oil and liquefied natural gas.

This administration has spent years—years—targeting the men and women who produce American energy, energy in our country. Well, Democrats and Republicans in Congress rejected the President's radical ideas. We knew that all of these regulations would cripple America's energy industries and would throw Americans out of work, many in my home State of Wyoming. We knew that all of these destructive rules would cost billions of dollars and produce little or no positive benefit. The Obama administration went ahead and ignored what the people wanted, and they wrote these destructive new rules anyway.

All of these regulations have consequences. My home State of Wyoming has seen thousands of hard-working men and women lose their jobs in the energy fields. Just over the past few years, people working in oil, gas, coal, and uranium—just a few weeks ago, two of the largest coal mines in Wyoming announced that they would let go 15 percent of their workers. Some 465 families were affected by the job losses.

Despite all of this pain, the Obama administration went out and promised the rest of the world that it was going to keep pushing for more restrictions on American energy, on red, white, and blue energy. The other countries getting together in New York on Friday need to be aware that there are serious doubts about whether this administration is actually going to be able to actually do that.

This administration has promised huge cuts to America's greenhouse gas emissions, but the promise has already run into legal problems. The Supreme Court ordered the Environmental Protection Agency to stop enforcing the so-called Clean Power Plan—stop enforcing it completely—until the courts can decide if it is even legal. I believe it is not legal.

Now the Obama administration has promised $3 billion to the United Nations for its climate change efforts. Well, it turns out that giving away this money will violate U.S. law. The money the administration pledged was supposed to go to the Green Climate Fund. This is the money the United Nations plans to use to coerce—really coerce—developing countries to go along with the climate change—what I believe is a sideshow.

President Obama asked for $500 million for this fund in his budget last year. So what happened when the budget came here to the Senate where the President had a request? Congress rejected the President's budget 98 to 1. Talk about bipartisan rejection. That is it. But the administration went ahead and transferred the money anyway, even though the money was never authorized by Congress. Now the President wants to give this Green Climate Fund another $750 million in taxpayer money.

There is a second climate change organization; it is called the United Nations Framework Convention on Climate Change. This organization is the foundation for funding this whole climate change agreement. The administration has contributed to it in the past. It wants to send another $13 million next year.

Here is the problem and the legacy the administration faces: As the administration tries to give away money to these international climate change groups, it is now prohibited by law. You may ask why. Well, it is because last month, on March 17, the United Nations officially recognized the so-called State of Palestine. They said that the State of Palestine is a full member of the United Nations Framework Convention on Climate Change. Well, according to a 1994 law passed by the House, passed by the Senate, and signed into law, the United States cannot give any money to any affiliated organization of the United Nations that grants the Palestinians membership as a state. It is called the 1994 Foreign Relations Authorization Act.

These climate change groups are clearly affiliated organizations of the U.N. The United Nations Framework Convention on Climate Change—the organization that the Palestinian group, this so-called State of Palestine, just joined as a member state—says on its own Web site that it is institutionally linked to the United Nations. There is no denying it. It says that the Green Climate Fund is one of its ''constituted bodies.'' So there is a direct link. The law of the United States on this is clear, it is simple, and it is unmistakable.

The pipeline of money the Obama administration is planning to send to these organizations is shut off. That is what happened in 2011 when the Palestinian group joined the United Nations Educational, Scientific and Cultural Organization, commonly known as UNESCO. That triggered a similar 1990 law, and the United States has not given any money to UNESCO ever since.

The Palestinians have been trying to get international organizations connected to the United Nations to recognize them as a state for a long time. It is part of their strategy. They think that if they can get the rest of the world to recognize the ''State of Palestinian,'' then it strengthens their hand in negotiations with Israel.

That strategy absolutely undercuts U.S. policy that says the Palestinians and the Israelis should be negotiating these things on their own without the rest of the world getting involved. That is the best way for Middle East peace negotiations to go forward, and that is what both the Palestinians and the Israelis have agreed to in the past. So U.S. law says that when the Palestinians try to go around that process, as we just saw with this climate change organization, there are legal consequences. That is why a group of 28 Senators wrote to Secretary of State John Kerry earlier this week. We wrote to demand that he follow the law, obey the law of the land. We wanted to make sure the rest of the world understands clearly that it is unlawful for the United States to give another dime to these U.N. climate change groups.

The Obama administration has skirted the will of Congress in the past when it sent $500 million of U.S. taxpayer money to these groups. It will not get away with sending any more money in violation of the law. The administration needs to understand this fact, and so do the rest of the countries getting together in New York on Friday.

The American people do not support shutting down our economy, hurting our economy, to support the administration's promises on greenhouse gasses. The American people don't support

the administration spending billions of their hard-earned taxpayer dollars to support this alarming climate change agreement. What the American people expect is their President and his administration to follow and to obey the law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

WORKING TOGETHER IN THE SENATE

Mr. CORNYN. Mr. President, yesterday this Chamber passed a bill to reauthorize the Federal Aviation Administration, another bipartisan accomplishment that without a doubt has helped return this Chamber to operating the way that I think we all believe it should function. After that, today we were finally able to move forward with an energy bill, the Energy Policy Modernization Act. We have all been working on that legislation for some time now, and I am pleased we got it done earlier today. I give special credit to Chair MURKOWSKI, the bill manager, and her counterpart Senator CANTWELL for their incredible patience and diligence in dealing with this legislation that had been stuck on this Senate floor for some time.

Senator MURKOWSKI, in particular, didn't shy away from addressing some of the most difficult challenges head on. Needless to say, her tirelessness, her diligence, and hard work finally paid off earlier today.

This legislation is important to the country because it helps update our energy policies and helps America produce more energy, use it more efficiently, and save money in the process. One of the most significant portions of that legislation was streamlining the approval process for the liquefied natural gas export. This is really an example of how our energy future has been transformed so dramatically.

You may recall that years ago there were terminals being built around the country on the shorelines that were going to be the recipients of natural gas produced in some other part of the world and then brought to the United States. But thanks to modern drilling technology and the use of fracking—I know in some quarters this is a dirty word, but we have been doing it successfully in the United States for 70 or more years. Thanks to horizontal drilling in fracking and modern drilling technologies, America is now producing more natural gas than we have any use for. It is good for our economy, good for our jobs, and good for the world, really, for America to be able to export more of its natural gas—and oil, for that matter. It is something we dealt with at the end of last year when we lifted the antiquated export ban on crude oil.

This legislation, like the Federal Aviation Administration reauthorization bill, is another example of how the Senate is back to work. When I talk to constituents and folks back home, I say: Well, you may not have heard—or if you heard it, you may not actually believe it—but we are actually getting some work done in this Congress under new leadership. I think it has been beneficial not only to the country, not just to those directly affected by the legislation we are passing—things such as the Comprehensive Addiction and Recovery Act to deal with the opioid prescription drug abuse and heroin issue—not only are the people directly affected by the legislation benefiting, but the entire country is, and particularly Members of the Senate. We have actually been able to debate, discuss, and ultimately vote on legislation. What a concept.

It was not too long ago—when the Democratic leader was majority leader—that this Senate was virtually shut down. Even if you were in the majority party, even if you were a Democrat when Democrats held the majority in the Senate, basically because of the decision to shut down the legislative process and to deny anyone an opportunity to offer an amendment, when it came to election time, many of our Democratic colleagues didn't have anything to show for their service representing their constituents in the Senate, even though they were in the majority party.

Under the new leadership of the Senator from Kentucky, Mr. MCCONNELL, the Senate majority leader is committed to an open process that benefits all Members of the Senate and all 320 million or so people in the United States who we represent. Now any Senator, regardless of whether they are in the majority or minority, can call up and seek votes on amendments to legislation to help make legislation better. I think we have learned an invaluable lesson from the mistakes of the past. Only by working together in a bipartisan way can we try to find consensus and get things done. The American people deserve that.

Now that we have finished our work on the Energy bill, I hope we can work together to address other problems facing the country. One of the most fundamental jobs the Congress has to perform is the appropriations process because somebody has to pay for the policies to actually make the policies that we pass work.

This week we have a chance to start that process with the Energy and Water Appropriations bill. This is another example of great bipartisan work and commitment, a bill that unanimously passed out of committee. This legislation will invest in our Nation's waterways and fund critical infrastructure projects.

Yesterday I spoke about the flooding that has been affecting much of Texas this week, particularly the Houston area, and that we are struggling to deal with. This appropriations bill, for example, would invest in projects to mitigate risks associated with flooding like that which Texas has been experiencing over this week. It would also invest in our nuclear arsenal to make sure we are ready to meet existing and future nuclear threats.

To put it simply, this appropriations bill plays a big role, not only in terms of our national security but also in terms of our public safety. That is both at home and abroad.

Last year we got stuck. We tried to move the appropriations bills through the regular process, but because of a dispute over spending levels, our Democratic friends basically blocked any ability we had to move the appropriations bill through the regular order or the regular process. Unfortunately, at the end of the year, what that left us with was the need to pass one big Omnibus appropriations bill, something that nobody said they liked. In fact, on the Senate floor I called it not an Omnibus appropriations bill but an ominous appropriations bill. The problem with that is there is very little transparency, and only a handful of people are really directly involved in crafting a bill that spends over $1 trillion. That is a terrible way to do business. Now we are trying to get back to the old-fashioned way—one bill at a time.

I commend Chairman ALEXANDER and Ranking Member FEINSTEIN for the good work they have done so far. This is going to take a little bit of cooperation and maybe even a little bit of self-restraint, something that Washington isn't necessarily known for. Even though all 12 appropriations bills were sent out of their respective committees last year for the first time since 2009, we weren't able to get it done. I am hoping this year will be different.

So far our colleagues across the aisle have said they believe we ought to proceed with a markup of different appropriations bills, voting on them one at a time. This is our first test. Believe me, people are watching to see how we proceed on this legislation and on other appropriations bills, including our colleagues in the House of Representatives.

Stop passing some stopgap funding bill at the brink at the end of a fiscal year where people are talking about shutdowns. That is not the way we are supposed to work. We could do better and we could avoid those pitfalls if we would just do our best, show a little restraint, and get our work done.

I hope the Energy and Water bill is the first of 12 appropriations bills that we consider, discuss, and ultimately pass because that is what the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the assistant Republican leader is on the floor, I wish to say a word

about this chart that I mentioned earlier.

He mentioned this is the first bill where we are spending $1 trillion. Most of us on both sides of the aisle, I know especially on the Republican side of the aisle, are concerned about the Federal debt, which is $19 trillion, and we make great speeches about it. But as we begin to talk about the $1 trillion we are about to appropriate in 12 bills, I would like to invite my colleagues to look once again at the bottom line. That is the money we are talking about. This is the $1 trillion that we are working on. It has been flat since 2008. It is going up at the rate of inflation or a little less, but that is $1 trillion.

We are spending $4 trillion this year. The other $3 trillion is not what we are working on in these 12 bills; the other $3 trillion is automatic mandatory spending and interest on the debt. If we add interest to that red line, it would be even higher. So I may offer an amendment at some point—maybe not on this bill—to turn the entire budget over to the Appropriations Committee because we are doing our job. We have kept spending down. That is not the problem.

I hear that some people may want to say: Well, let's further reduce the blue line. I invite my friends and colleagues to say—we have letters from more than 80 Senators requesting support for projects important in their States, for flood control, nuclear weapons, national labs, deepening harbors, and for inland waterways. We have included in our bill requests from all those Senators.

If we cut that blue line by $2 billion, we will need to ask for requests from those 80 Senators about what they would like to cut—which flood would they like not to clean up, which lock would they like to close, and which nuclear operation needs to be slowed down. We need to be reasonable about this, and we need to be straightforward about it.

I want to see us deal with that red line. That is where the real spending problem is. I would like to see us be responsible on the blue line.

Senator FEINSTEIN and I have cut a $125 million program. We have control of one big construction project; we are getting control of two others. We are doing our job.

As we enter into this discussion, I respectfully ask my colleagues: Let's keep a focus on the two lines. The $1 trillion is the blue line. It is under control; it is not the problem. If that were the debt, we wouldn't have a problem. It is that red line that we are not doing anything about on either side of the aisle.

Senator CORKER and I have a bill to reduce the growth of that spending by $1 trillion. We are the only two cosponsors.

After we do these 12 bills, we can talk about the blue line. But I am going to make sure during this whole process that, if Senators want to talk about cutting spending, they focus on where the problem is. It is the red line—not the blue line—that we are working on, starting with this bill.

I thank the Senator for his remarks.

Mr. CORNYN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would just ask the distinguished Senator from Tennessee, the bill manager—the point he makes is exactly right, and I think most Americans would be surprised at this blue line and the fact that this is the money the appropriations process spends each year, but it is only about 30 percent of what the Federal Government spends—to his point.

My recollection is that under current projections, that red line is growing at about 5.3 percent, it seems like, over the next 30 years or so, while the blue line remains roughly flat. But that is a product of a lot of things that need to be fixed, such as the fact that for every $1 put into Medicare, $3 is spent, and the fact that in the not too distant future, the Social Security trust fund is going to run out of money because people are getting older, more people are benefiting, and fewer people are paying into it.

But the Senator is exactly right. We actually have been pretty disciplined in dealing with discretionary spending because of the Budget Control Act and sequestration. And many people have decried the fact that we actually renegotiated the sequester numbers, but one reason we did that is for national security purposes, that about half a trillion dollars of the money we spend is for national security.

I know the Senator is aware, as I am, that there is good work being done at the Budget Committee level to come up with some budget reforms, but unless we get control of not just the discretionary spending but the nondiscretionary—the mandatory spending, that red line—we are going to continue to see the deficits and the debt grow. And when interest rates go back up to normal levels, we are going to be spending more money on interest on the debt than we will, perhaps, on national security.

I told the Senator this was a question and I guess it is more of a statement, but I just wanted to thank him and Senator FEINSTEIN and the Committee on Appropriations for getting us back to regular order and back to work, and I hope we will take up and pass this legislation without undue delay.

I would also add that this is not an opportunity for people to empty their out basket on different pieces of legislation they would like. Because of the rules of the Senate, that would create a lot of problems. So, again, I guess we would counsel for some of the self-restraint that was talked about earlier.

I thank the Senators from Tennessee and California for bringing this important piece of legislation to us. I hope we can get this done sometime today or tomorrow.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his leadership and for his comments. He is exactly right. Over the next 10 years, according to the Congressional Budget Office, that red line is projected to increase by nearly 80 percent—nearly 80 percent. The blue line—the one that is reasonably under control—will go up about 23 percent. But the bigger problem is that the blue line, as a share of the Federal budget, will decrease from 33 percent to 22 percent. That is the money for national defense in an unsafe world. That is the money for national laboratories in an economy that needs the job growth that comes from that research. That is the money that cleans up after the Missouri River, the Tennessee River, and the Mississippi River flood. It deepens the harbors in Savannah, Los Angeles, San Diego, Gulf Port, and all around.

After a big spring flood, I have been to Environmental and Public Works Committee hearings where we have had 17 U.S. Senators come in and ask for more money. Well, we have record levels of funding for the Army Corps of Engineers in this budget for the purpose of locks, dams, flooding, and environmental cleanup, and it is all within the Budget Control Act. We set priorities. We reduced projects. We cut some out that weren't as important. And we have kept that blue line flat. We have done our job on financial oversight.

There are a number of advantages to having a full 10 or 12 weeks to deal with appropriations bills.

The first advantage is that it allows Senators, such as the Senator from Nebraska, who is not a member of the Appropriations Committee, to have a chance on the floor to offer their amendments if they would like to. The way our system works, Senators may ask us—and, as I mentioned, 77 did ask us—to include some of their ideas and policies in our bill, and we did in every case in some way—in some way. Now we are up in the eighties. Everybody has had a shot at this and will have more of a shot in the next day or two on the floor. So the whole Senate will be involved. That is one advantage.

The second advantage is that it will show the American people that we are doing our job, that we are conducting oversight of the government agencies, that we have had four hearings, that we have set priorities, that we have cut out lower priority projects and are getting other projects under control.

The third advantage is that maybe we can put a spotlight on the difference between the top line and the bottom line—the red line and the blue line. The blue line is an example of good government. The red line is an example of malpractice. By whom? By us. By which party? By both. By both.

So let's be specific. If you are a surgeon, you don't cut off the left arm because your nose is hurting; you work on the left arm. And we don't need to cut off the blue line if the red line is the problem—if the red line is the problem.

So as often as I have a chance over the next 2 days, I am going to do my best to remind our colleagues and the American people that we are doing our job on the $1 trillion we appropriate, and Senators will have a chance to help us do our job if they come to the floor with their suggestions.

We are not doing our job on the red line, which is mandatory spending, and if we don't do our job, the Chairman of the Joint Chiefs of Staff has said it is our greatest national security problem.

So maybe it will help over these 12 weeks to have a contrast: the way we should be doing it, the bottom line; and the way we shouldn't be doing it, which is that line that is growing out of control.

I welcome the opportunity, and I thank both the majority leader and the Democratic leader for getting things in order so we can have a regular appropriations process for the first time.

I remind our colleagues that this is the earliest we have started an appropriations process since the Budget Control Act became law in 1974.

The Senator from California has suggested that I remind our colleagues and their staff members that if they have amendments, bring them to our staff, and we will work with them and see if we can include them in the bill, or if Senators would like to offer the amendments, we would like to do that today or tomorrow. There is no need to waste time here. We have 11 other bills we can get to very quickly and other important legislation that is awaiting the Senate's action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am extremely pleased to rise to express my support for the open debate we are going to have on the fiscal year 2017 Energy and Water appropriations bill.

I would certainly like to thank the Senator from California and my colleagues on the Appropriations Committee, and I would like to thank Senator ALEXANDER for his leadership and work on their collaboration. As a person who has only been in the Senate for a year and a half and on the Appropriations Committee for about that amount of time, it has been fun for me to watch seasoned pros as they weave their way through the appropriations process. So I thank them for that. But this is what our constituents sent us here to do: to legislate, to express an opinion, to amend and debate. And I appreciate my colleagues' willingness to do that with this piece of legislation.

This is a fiscally responsible, bipartisan bill which unanimously passed out of the Committee on Appropriations last week.

It is also worth noting—and I have heard it noted already today and will probably hear it many more times—that we are considering appropriations bills on the Senate floor at the earliest point since 1974. I look forward to the bill passing with many priorities that are important to my home State of West Virginia, and I also look forward to passing the other 11 appropriations bills as we move through this process.

We can all agree that governing by continuing resolution is not ideal. The leadership in the Senate, and through the work of the Appropriations Committee, of which I am a proud member, has put us on a path to passing bills that will fund our government in a reasoned manner, in a transparent manner, and in a manner which is an open, deliberative, fair, and responsible process. Today marks an important step forward—one of many to come, I hope.

The bill before us has enormous importance to every State and particularly my State of West Virginia. It includes resources that ensure safe and stable infrastructure, promotes and stimulates research in the fossil fuel industry, and provides resources for rural areas most negatively impacted by the economic downturn and continued assault against coal-producing areas in Appalachia, where I live.

A few weeks ago, I visited the Bluestone Dam in Hinton, WV. It is an engineering marvel. It was built in the late 1940s and completed in the 1950s. But we must maintain and modernize to make sure we have the safest and the most technologically superior dams for the prevention of flooding. The importance of the Bluestone Dam to its surrounding area—and really all of West Virginia—cannot be overstated. It is protecting the neighboring capital city of Charleston, where I live, from massive and catastrophic flooding.

This bill provides construction funds for the Army Corps of Engineers for projects such as Bluestone, as well as operation and maintenance funds for hundreds of locks and dams across the country, including many in my State besides Bluestone—from Elkins, to Beech Fork Lake, to Tygart Lake. Disappointingly, the President's budget cut funding for the Corps of Engineers. I don't know how you can do that. That irresponsible action is eliminated in this bill. We restore the cut and fund the Army Corps of Engineers by more than $1 billion above the President's request.

A smaller but equally important investment in West Virginia is the Appalachian Regional Commission, known as the ARC. I am pleased the Senate is again proposing to boost funding for the ARC following the increase in last year's omnibus bill. While it might not be familiar to a lot of people, the ARC really spearheads many worthwhile efforts in the Appalachian region, including actions to help communities impacted by the downturn of the coal industry through worker training, economic diversification, and job services.

One way to provide our citizens with greater opportunities is to provide them with broadband access. West Virginia is not wired for broadband like a lot of our other States. We need to meet the acceptable standards set by the FCC. We understand we have mountains and it is difficult, but if we don't do this, if we don't make this change, West Virginia will be left further behind. This is an economic, educational, and health care tool.

The ARC is one of the entities that are helping West Virginia connect to the Internet, and by doing so, it connects the possibilities for commerce, education, health care, and other things that all of us—particularly these young people in front of me—have come to think of as essential to life as bread and water.

This bill maintains the funding level for fossil fuel energy research and development at $632 million. Sixty-seven percent of the electricity generated in the United States is from fossil fuels—coal, natural gas, and petroleum—and this will not change anytime soon. The Department of Energy's own Energy Information Administration predicts that coal will still make up about one-third of U.S. electricity generation for decades to come.

If the administration itself acknowledges that fossil fuels will be critical to electricity generation, we must ensure that we are using these in the cleanest way possible. Therefore, we must continue to make that investment in research and development for clean coal technologies, which is a large component of this funding. This funding is $272 million above the President's request. The President's proposed cut and those proposed by some of my colleagues—and as we move through the markup we anticipate proposed cuts to fossil fuel research—in my view, are shortsighted because they fail to realize the value of the research being done in places like the National Energy Technology Lab in Morgantown, WV, known as NETL.

NETL has reorganized and restructured its budget to be more transparent, so we can understand what is actually going on, where the dollars are being appropriated, and better focus on research and maximize those funds. I applaud these efforts. Frankly, I think we should all applaud them. Their work is very important to each and every one of us.

There are many other provisions in this bill that are very noteworthy, but I wish to close with this: For West Virginia, this legislation provides funding and support that will help us in many ways. I am proud to have supported it in committee and now on the floor. I will be very excited to see my first appropriations bill actually come to the Senate floor. Well, we maybe did do one last year, but this will be the first time Energy and Water has been on the floor. I look forward to this debate by my colleagues.

The PRESIDING OFFICER. The Senator from Colorado.

FAA AND ENERGY BILLS

Mr. GARDNER. Mr. President, I first wish to congratulate my colleagues for the work they have accomplished this week, work on reauthorizing the Federal Aviation Administration. For those in Colorado, it is important work. For Denver International Airport and for multiple airports around the State, the aviation industry in Colorado accounts for tens of thousands of jobs and billions of dollars of revenue generated by not only DIA, but whether it is Vail, Durango, Grand Junction, or any number of airports across the State, we have benefited from the work this FAA reauthorization has accomplished. I commend the chairman, Senator THUNE, for his work, as well as the chairman, Senator MURKOWSKI, for the work she has accomplished on the Energy bill—legislation that will accomplish greater opportunities for the United States to achieve North American energy security, including thousands of jobs that can be created by legislation I was able to secure within the bill on performance contracting—a very great accomplishment for the Senate. I urge the House and the Senate to come together quickly in order to find a compromise on the Energy bill and to get this signed into law.

CHEYENNE MOUNTAIN DAY

Mr. President, I come to the floor to talk about an event I participated in last week with General Hyten in Colorado Springs, based in Cyber Command, to talk about an event that was shared by Governor Hickenlooper as well from the great State of Colorado.

Since 1966, the U.S. Air Force at Cheyenne Mountain Air Force Station in Colorado Springs has been at the forefront of our Nation's capacity to track foreign threats worldwide, providing an essential component of North American defense and global security.

Today we celebrate the 50th anniversary of the operational capability of Cheyenne Mountain, an event General Hyten, Governor Hickenlooper, and I were able to participate in last week.

Many people across this country probably know Cheyenne Mountain Air Force Station. They know it through popular culture, they know it through movies like ''Dr. Strangelove'' or through ''WarGames,'' for those who aren't quite of the ''Dr. Strangelove'' generation, and perhaps for newer generations yet, they know Cheyenne Mountain Air Force Station from ''Stargate.''

Colorado is proud to be at the center of the effort to provide for the defense of North America through this facility which has far-reaching consequences and whose multiuse services are critical to national and global security.

Cheyenne Mountain Air Force Station is one of the greatest engineering marvels of its time, representing an $18 billion facility, unrivaled anywhere in the world, bored into the front range of the Rocky Mountains. At this world-class facility, countless space and ground sensor data collections are assimilated to provide our Nation's national security leadership apparatus key information to determine threat assessments and ensure the safety and security of millions of people around the world.

The 21st Space Wing at Peterson Air Force Base in Colorado Springs provides operational support and infrastructure sustainability, the 721st Mission Support Group provides the dedicated daily sustainment to more than 13 mission partners performing the national security mission inside the mountain complex—or the ''mountain fortress,'' as it has been nicknamed—and over 1,000 U.S. and Canadian military members and civilians remain vigilant around the clock to defend our great Nation at this facility.

I am proud the Senate came together last week to approve my resolution, which designates today, April 20, 2016, as Cheyenne Mountain Day, to recognize the 50th anniversary of Cheyenne Mountain achieving full operational capability.

Today we recognize the strategic importance of Cheyenne Mountain and celebrate the efforts of the 21st Space Wing, the 721st Mission Support Group, and the men and women who work for the common defense of North America at Cheyenne Mountain.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PERDUE. Without objection, it is so ordered.

PRESCRIPTION DRUG ABUSE

Mr. MANCHIN. Mr. President, I rise today to once again share the devastating story of the nationwide opiate epidemic that America currently faces, which is pain pills. It is a crisis I have been dealing with since my days as Governor of the great State of West Virginia, and each and every one of us as Senators representing our great States are dealing with it also.

It is ravaging my State. West Virginia has been hit harder than most States in our country. The drug overdose deaths have soared by more than 700 percent since 1999. Just last year, we lost 600 West Virginians alone to opiate abuse. That is prescription drug abuse.

Let me explain what we are dealing with. We are dealing with a product that is manufactured legally by pharmaceutical companies, a product that is approved by the Food and Drug Administration—the Federal Government—a product that is distributed and prescribed by our doctors—the most trusted people we have in our lives. It goes on and on.

Basically, people don't understand and have not understood for the last two decades the devastating effect that it has. But our State is not unique. This is happening everywhere, and 51 Americans die every day. Every day, 51 Americans die. You have to think about that. Every 30 minutes or less, someone is dying because of an overdose from a prescription drug to which they became addicted. Since 1999, we have lost almost 200,000 Americans to prescription opioid abuse. We need a serious culture change in America to get to the root of the problem. We need to change the approval of all these new, more potent painkillers coming on the market.

The scope of the problem is this: In the United States of America, we have less than 5 percent of the world population. Seven billion people live on this beautiful planet Earth of ours. We have approximately 330 million people. How in the world can we explain how 5 percent of the population consumes 80 percent of all the addictive opioids produced in the world? Our country is the most addicted country on Earth. There is not another one like us. We allow pharmaceuticals to advertise their products on television. We are the only ones who allow drugs that are addictive and have the ability to destroy lives to be advertised, and so naturally people are asking for them. They want to go out and buy something because the market is so slick. How we approach this is totally wrong. There needs to be an overhaul of our culture.

My office continues to get flooded with letters. Today I will read a letter from my State of West Virginia and the Presiding Officer's State of Georgia. We are encouraging people to continue to share their experiences. The reason I am encouraging people to share their letters is because for far too long this has been a silent killer. There is not a person watching this or a person in this Chamber who doesn't know somebody in their immediate family or extended family who has been affected by drug abuse. Most of the time, it is legal prescription drug abuse. We have an epidemic on our hands.

We talk about Ebola, Zika, and all the other things that are of concern to us, but not one of those is killing 51 Americans every day, and people are still silent about it. Well, people are breaking their silence and sending these letters to me. I will read them every week so I can put a personal touch on this epidemic we face. I don't want people to be ashamed. We have all had it happen to us. It could be your father, mother, brother, sister, aunt, uncle, cousins, or children.

We basically have to look at addiction as an illness. For far too long, we have looked at addiction as a crime. We put people in jail because they have committed a crime. Most of them are charged with grand larceny because they had to steal to support their habit and as a result end up with a felony on their record. When they get out of jail, they are no better. They are still addicted, and now they have a felony and

can't get a job. We have taken them out of the productive part of our society. Our society is losing a whole generation of productive, unbelievable, beautiful people.

This is Debbie's story. Debbie is from West Virginia. She said:

My daughter started using drugs off and on around the age of 13. It really escalated after her second child was born, her ''husband'' being from Baltimore, MD with access to lots of different kinds of drugs.

She told me that after the birth of her baby the doctor prescribed percocet after a vaginal birth. She started off snorting and then injecting them. Her drug abuse spiraled out of control to using meth, on to heroin and cocaine, and who knows what else. Then she started buying Suboxone illegally, supposedly to get off the other drugs.

Suboxone is supposed to help you get off your addiction, but it is also an opioid.

When she had her third child, CPS stepped in, but then they walked away 90 days later. She took off to Baltimore, MD, putting her two youngest children in danger, leaving her oldest behind with us. However, we finally got her to bring the children back to us, but she wasn't willing to stay with her children. The drugs were more important. We now have temporary guardianship and she is finally taking steps in recovery.

I don't understand why these doctors hand out opioid drugs like it's candy.

I can tell Debbie why they do it. They don't have the training. They don't understand the effects these drugs are having on people. They are basically told whatever the manufacturer or salesperson has told them. If the drug is a 30-day prescription, they give you 30. If it is 60, they will give you the maximum of 60.

Her letter continues:

I have another daughter that was in a car accident and broke her leg. She had to have surgery and the doctor prescribed her 80 percocet all at one time.

Can you believe that?

Already battling one child with addiction I VERY closely monitored her medication. Not all people are strong willed.

This has to stop. These are dangerous drugs and they lead to more dangerous drugs! These drugs are killing our children, pulling our families apart!

Why are doctors prescribing so many at a time?

Why do we have Suboxone, another addictive drug to treat addiction?

Methadone is another one, methadone clinics. They are the same thing.

Why isn't Suboxone an in care monitored drug so it can't be sold on the streets?

Why don't we have free treatment centers in every county to help with addiction so our children aren't dying?

I am going to talk about the treatment centers—or lack of treatment centers—and what we can and what we should be doing as a country.

My daughter is 24 years old with a lifetime of fighting addiction. My mom and sister had to bury their sons because of addiction. I DON'T want to bury my daughter!!!

That was Debbie's story from West Virginia.

This is Winnie's story from Augusta, GA.

My name is Winnie Garrett.

She wanted me to use her full name because she is not ashamed and she wants to fight this addiction and she needs help.

I have been living in Augusta, GA, for 15 years with my husband, son, and daughter. My daughter Erin is 21 and a heroin addict. She started opiates when she was 16. She met a guy who was shooting pills and heroin, so in September of 2014 she started shooting too.

She had a great job, an apartment, and was a highly functioning addict. In May she asked if her boyfriend and she could come and move into our house so they could save money and get an apartment together.

In July, her boyfriend attempted suicide and was hospitalized and then sent to rehab. Erin's heroin use skyrocketed at that time.

In September, we caught Erin and her friends in our house about to shoot up together, but we intervened. Erin agreed that she needed help and she started methadone at a methadone clinic.

So we have methadone and Suboxone.

In October of 2015, one of her ''friends'' that was in our house back in September overdosed and died at her grandmother's house. Erin started to abuse opioids again. In December, she lost her job. By Christmas she had no new job and no money to pay for methadone. She was going downhill fast.

On January 2, 2016, she called me and asked me to come and get her. Her friends had left her alone, she had no phone, and she was sick. My husband and I found her and told her she must go to the hospital as we were not prepared to help her go through withdrawal. We just didn't have the ability or the knowledge to do it. She fought with us and didn't want to go.

As we drove closer to the hospital and stopped for a light, she jumped out of our moving vehicle and proceeded to walk away from us. We had to walk her into the hospital and commit her.

After the hospital went through her belongings, she was civilly committed for a minimum of 72 hours. Erin went through withdrawal and was clean for about 2 weeks but wouldn't consider going to a rehab place because she wouldn't want to leave her ''friends.'' She has relapsed, and I have tried to talk to her, but she is not ready for rehab.

It breaks my heart to see my baby girl now. It has affected our entire family. Her brother wants nothing to do with her and her father and I can only pray that God will look after her and keep her safe from harm.

She is living on the streets and at anyone's house who will take her in for a day or two. My daughter graduated from Fine Arts Magnet School and was accepted to Savannah College of Art and Design. Erin is smart, beautiful and very capable when she is clean. I don't recognize my little girl on drugs. Something must be done.

Thank you for listening.

Three or four years ago, these people probably wouldn't have written these letters to us. They are desperate and need help. They are willing to put their names to it. They want to put a face on this epidemic. They really do.

Let me tell you the problem. We do not have—Georgia and West Virginia—treatment centers. When people are begging for help, there is no place to send them. We have day courts and drug courts, but there is really no treatment center. They end up with a felony on their record. I am not talking about those who have a violent or sexual crime; I am basically talking about grand larceny. They end up getting a felony. If we do get them clean, they can't get a job with that felony.

There are some things we have to do. Let me tell you what we can do. The first thing we can do is address the treatment centers. Think about this: We have a fee on cigarettes. We know cigarettes are dangerous. They have proved that cigarettes are addictive and dangerous to your health, and you pay a tax when you buy cigarettes. Most of those States use those taxes for their health clinics. We know alcohol is dangerous. We shouldn't drink alcohol, but we partake in it, and they charge a tax.

We have no way of funding or supporting the treatment centers. We are looking at and working on this almost every day. I am going to propose to my colleagues that one penny per milligram of every opioid produced by manufacturers be used to go to a treatment fee. It strictly cannot be used for anything except for treatment centers throughout the United States of America so we can help the people who need help.

We should also consider how to get people back to having a productive lifestyle. Let's say they go through an approved treatment center for 1 year and then go into a mentoring program. Not only do they become clean, but they are mentoring and helping other people become clean. They don't have a violent or sexual crime against them, but they have a crime of larceny. Should that person not be considered—basically from their good standing of finishing a 1-year rehabilitation program, which they passed with flying colors and are clean and have committed another year of their lives to giving back and helping other people through mentoring—to have that felony basically expunged from their record so they can get back into the workforce? If not, we are losing a whole generation of quality workers. These are all bright, smart people who can do something and contribute back to the economy.

I will be coming down here every week, and I will make sure the people of America know they are not alone. We hear you and we are going to do something.

I thank the Presiding Officer for listening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARIS CLIMATE AGREEMENT

Mr. INHOFE. Mr. President, as Secretary of State John Kerry prepares to

sign the United States on to the Paris climate agreement on April 22—that is Earth Day—2 days from now, there are lessons from past international climate agreements, namely the 1997 Kyoto Protocol, that we would be remiss to ignore.

Let's keep in mind that the meeting they had was the 21st annual meeting. This is the big United Nations meeting, when everyone tries to get 196 countries to come in and have mandatory emissions reductions. It hasn't worked in 21 years, and it will not work this year either.

The situation they are facing now is kind of embarrassing. Let's just call the Paris Agreement what it is. It is a political stunt for the President to do what President Clinton was going to do in the Kyoto Protocol back in 1997. To recap, in 1997, the United Nations Framework Convention on Climate Change adopted the Kyoto Protocol, which set forth binding targets and timetables for greenhouse gas emission reductions for developed countries such as the United States and the European Union. Meanwhile, developing countries such as China, India, and Brazil got a free pass. In fact, the Kyoto Protocol exempted 80 percent of the world from greenhouse gas emission reductions. That was back in 1997.

I could talk extensively about how it was known then that without developing countries, Kyoto would produce no meaningful impact on global climate change or reductions. What is most important in advance of the Paris Agreement signing, which is 2 days from now, is holding the Obama administration accountable to the lessons learned from the fallout of Kyoto.

Let's not forget that the Kyoto Protocol—which was a legally binding treaty, as opposed to the Paris treaty, which is all voluntary—was signed by the Clinton administration in late 1998 but was never submitted to the Senate for ratification. This was because the Senate had already voted, and they knew they weren't going to ratify it.

About that time in 1997, we had the Byrd-Hagel resolution, which warned that if the United States came back from Kyoto with a signed product that economically harmed the United States or exempted developed countries from participating, we would not ratify it. The resolution passed 95 to 0 in this Chamber. They knew when they came back that it wasn't going to be signed. With a vote of 95 to 0, not one Senator would have voted to ratify.

Ultimately, the 36 developed countries were legally bound to the greenhouse gas targets, and 17 of them failed to meet the greenhouse gas targets. First of all, they are not even meeting the targets. Some countries that joined Kyoto, like Iceland, had targets that actually granted increases in greenhouse gas emissions, while others, like Russia, had a target of zero that required them to do nothing.

The same thing is true for Russia today with the Paris Agreement. Russia pledged to reduce its carbon emissions by 30 percent but made their promise based on emission levels from 1990, not their current emission levels today. So they could actually increase their emissions and still comply with the commitment that they made in Paris.

Of course, they were looking at—and I remember from all the other meetings that Russia is sitting back there with areas such as Siberia, without any development, and they could use that as land that is not being developed, where there are no emissions, so it sounded as though they are really doing something.

I had an occasion many years ago to fly a small Cessna airplane around the world, emulating the trip of Wiley Post, the aviator from Oklahoma. He was the one who was flying the airplane when Will Rogers was killed. I was emulating his flight around the world. I will never forget going all the way from Moscow to Provideniya, across Siberia. There is time zone after time zone, and there is nothing down there. It is bare down there—no houses, no industry, nothing down there. That is the land Russia has been using to give them the advantage that they have.

Others, including Japan, the host country for the signing of the Kyoto Protocol significantly missed its greenhouse gas reduction targets, and instead they increased. Here is the host country, and they increased their emissions.

There were warning signs that the countries would fail to meet the Kyoto targets. For example, in 2005, the year Kyoto went into force, as then-chairman of the EPW committee, I held hearings on Kyoto where I questioned the U.S. senior climate change negotiator, Harlan Watson, about the European Union countries meeting their targets. Watson testified at the time that only two of the EU countries, the U.K. and Sweden, were on track to reach their targets. In other words, they all had targets, but only two countries met them.

Another witness, Dr. Margo Thorning of the American Council for Capital Formation, told the Committee at the hearing that the European Union ''policymakers are beginning to worry about the additional steps required to meet the targets.''

We now know they were right. The EU, one of the staunchest advocates for the global greenhouse gas emission cuts, barely reached half of the targets required by Kyoto.

If developed countries like those in the European Union have ignored legally binding gas emission targets in Kyoto, it is highly unlikely that they would meet the voluntary reductions that are in the Paris Agreement. Within the EU, some individual countries, such as Poland, have already shown fierce opposition to the Paris Agreement due to the fact that they are relying on coal power to run their country. There also has been vigorous debate over EU emissions reductions, and so far further cuts are off the table due to climate leadership fatigue from Kyoto. Everybody is tired of it.

Some have said Paris is different because developing countries like China agreed to the greenhouse gas targets. However, as is normally the case, you have to read a little bit closer. China's climate change commitment to peak their emissions by 2030 is business as usual. Yes, they signed on. They are a developing country. But what did they sign? They agreed to increase their emissions until 2030, and then they will reconsider.

After making their pledge, the New York Times uncovered that China dramatically underreported the amount of coal it burns per year, burning 17 percent more than what China had previously reported during climate talks. Just last month, a London School of Economics and Political Science researcher found that it is possible that Chinese emissions have already peaked. It is no wonder when the country is bringing online a new coal-powered powerplant every 10 days.

We keep hearing from all of our do-good friends: Just give China a chance. They are going to follow our leadership. Yes, they are going to follow our leadership, all right. They are anxious for us to meet our reductions as we chase our manufacturing base to someplace like China, which would be the recipient of it.

China is putting online a new coal-fired plant every 10 days. Why would China bother putting forth such a commitment and why would the Obama administration promote it as historic? First, it is in the interest of China to ensure this commitment is ratified because it makes it more difficult for the United States and the European Union to get out of economically damaging regulations. Second, it is in the interest of President Obama to sign this agreement since his own legacy hinges on its ratification. For the agreement to come into force, 55 countries representing at least 55 percent of emissions are going to have to sign.

We have seen this before. Think back to Kyoto. Clinton did not have the support of the Senate, yet Clinton delegated his U.S. Ambassador to sign it.

That is exactly what is happening today. President Obama doesn't want to go there because President Obama is fully familiar with the fact that they can't reach their targets, and besides that, we have the U.S. Supreme Court stepping in and saying that they can't do it.

The Obama administration should take note that history does repeat itself. If Secretary Kerry signs the Paris Agreement—which he will—it will be an act in defiance of the lessons from the past and in defiance of the best interests of the American people, all while achieving no meaningful impact on global temperatures.

Just like Kyoto, countries will not comply. Here at home, the President's

means to force the United States to achieve a 26- to 28-percent reduction in greenhouse gases by 2025—primarily through the so-called Clean Power Plan, which is likely to get struck by the courts—is extremely limited. Its implementation has already been blocked by the U.S. Supreme Court.

We have 27 countries that have filed lawsuits against the plan. We actually had someone from the National Chamber of Commerce and the Sierra Club come before our committee just a few weeks ago saying: Look, there is no way in the world that you can have this kind of a reduction. So it is dead in the water anyway, with 40 percent doing business as usual. Only 15 percent could have an effect from the power plan, and then the rest—45 percent—are not even in the middle of it. Besides that, the Supreme Court has now said that until all the litigation has cleared up, nothing is going to happen. They intervened in that as well as the WOTUS regulations—the waters of the United States. So it is not going to happen. They are going to have their party there. The President is embarrassed, and he is sending John Kerry to do his dirty work.

I hope all 196 of the countries send their representatives to New York because I would love to have them get to know America, travel around, spend their money, and go down historic Highway 66 that goes through my State of Oklahoma. They will have a wonderful time while they are here, but they might as well skip the New York part.

I see my good friend from Indiana, and, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

NOMINATIONS OF MARK MCWATTERS AND ADAM SZUBIN

Mr. DONNELLY. Mr. President, for more than a month, many of my colleagues and I have come to this floor to talk about our responsibility as Senators to do our job and consider the President's Supreme Court nominee, Merrick Garland. That is right. Here in one of the world's greatest deliberative bodies, where we have debated war and peace, civil rights, and the right of women to vote, we are now engaged in a debate about whether the Senate should carry out one of its most basic constitutional responsibilities.

Even more troubling than the refusal of some Senators to consider the Supreme Court nominee is that this is one in a series of failures over the past year. It is not an isolated incident; it is a pattern.

Back home in Indiana, our priorities are clear. We want good jobs and safe communities. Hoosiers are asking important questions of their elected officials, such as: What is the Senate doing to strengthen our economy? What are we doing to keep Americans safe?

Today I want to talk about two additional simple things that the Senate can do to strengthen our economy and to keep our country safe. Both have strong bipartisan support already. We just have to do our job. The first relates to the Export-Import Bank. Last December, after months of negotiations, and a 5-month lapse, Congress agreed, with bipartisan support, to reauthorize the Export-Import Bank, the official export credit agency of the United States of America, which helps American companies, including small businesses from my home State and from everyone else's, compete in the global economy.

It does not get more common sense than approving an agency whose sole purpose—sole purpose—is to help create more American jobs at no cost to taxpayers. In fact, in 2014, the Bank supported $27.5 billion in U.S. exports and more than 164,000 American jobs and returned over $675 million to the U.S. Treasury.

The Bank creates jobs, reduces the deficit, and spurs economic growth. It is a win-win-win. Yet, despite bipartisan approval last December, Senate inaction continues to hamstring the Bank, which keeps it from fully functioning. You see, in order to approve certain financing, the Bank needs a minimum of three Senate-approved board members. Today, we have only two.

That is because board nominee Mark McWatters, a Republican, has been stuck in the Senate Banking Committee for more than 3 months. At a time when American companies are struggling to compete in an economy that is often rigged by other countries manipulating their currency, by intellectual property theft, and by insurmountable foreign regulatory barriers, there are a few Members of this body who are intent on obstructing this important economic tool by refusing to consider Mr. McWatters' nomination in order to advance an extreme ideological agenda.

So here we are again, willfully allowing an important tool for economic growth to sit idle simply because some in the Senate refuse to do their job. While most Americans find it hard to believe we cannot agree on something as common sense as supporting the American economy, perhaps more troubling is the refusal to confirm an official to lead our Nation's efforts to combat terrorist financing around the world.

Mr. Adam Szubin is the nominee to be Treasury Under Secretary for Terrorism and Financial Crimes. His job is to identify and to disrupt the lines of financial support to international terrorist organizations, proliferators of weapons of mass destruction, narcotics traffickers, and other actors posing a threat to U.S. national security or foreign policy.

It is a critical job. Just about anyone you ask will tell you that Adam Szubin is the guy we want doing this job. He has helped shape and enforce U.S. sanctions against our adversaries for nearly a decade, under both Republican and Democratic administrations. He is recognized as a leading expert on terrorism financing and is widely considered one of our Nation's best tools in taking the financial footing out from under terrorist groups like ISIS and Al Qaeda and countering adversaries like Iran, North Korean, and, increasingly, Russia.

Today marks 1 year since Mr. Szubin was nominated—an entire year. For 1 full year, our country has worked to combat terrorist financing and enforce and expand sanctions against key adversaries without a confirmed official to lead the charge. At a time when our sanctions regimes are critical to countering Iran's ballistic missile program, North Korea's nuclear weapons development, and Russia's renewed aggression, and at a time when U.S. military personnel are serving in harm's way in locations around the world, combatting ISIS and Al Qaeda and their affiliates, the Senate is undermining the ability of one of our Nation's top counterterrorism officials to do his job.

By failing to act on the nomination of Mr. Szubin, who people on both sides of the aisle agree is the perfect person for the job, we are undermining his credibility with the very countries we need on our side to effect these sanctions and to cut off funding flows to terrorists.

The American people expect us to use every single resource—every single resource we have—to keep our Nation safe. Yet, when it comes to putting our strongest team on the field to fight back and to cut off terrorist financing, some in this body continue to put politics ahead of our national security.

Why has Mr. Szubin not yet been confirmed as the Under Secretary for Terrorism and Financial Crimes? Simply put, the Senate refuses to do its job, to have a vote. I understand it is an election year and there is much discussion in Washington about what is good political strategy for the different parties. While the timing may be inconvenient for some, I will remind my colleagues that every day outside of Washington, law enforcement officers, among many others, rely on a fully functioning Supreme Court for the legal guidance that serves as the basis of our founding promise of liberty and justice for all.

I remind my colleagues that every day across our country, millions of hard-working men and women go to work to support their families, many of whom rely on jobs supported by the Export-Import Bank. Every day across the globe, our service men and women put their lives on the line to protect our country from terrorists and from foreign nations intent on doing us harm.

Many of those terrorists and foreign nations are targets of the crippling sanctions the U.S. Treasury implements and enforces to help keep Americans safe. Adam Szubin is leading that team. These men and women who go to work to support their families, the law enforcement officers who protect our communities, and the service men and

women who fight for our great country every single day do not stop doing their job because it is an election year. They do not pass on confirmations because it is inconvenient timing.

I have said it before, and I will say it again. Most Americans believe Congress can do something to help move our country forward. At the very least, we should do no harm. We are falling short of this most basic standard. But we can change that right now by simply doing our job, by considering Merrick Garland's nomination to the Supreme Court, by doing our job to support the economy by considering the nomination of Mark McWatters to sit on the board of the Export-Import Bank, and by doing our job to support our troops and protect our country by considering the nomination of Adam Szubin to be Under Secretary of the Treasury for Terrorism and Financial Crimes.

This should be the very least that we do. We need to do it now. Let's follow the example of those who elected us, who roll up their sleeves every day and go to work. It is time for us to roll up our sleeves and go to work and do our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I just wanted to compliment the Senator from Indiana on the remarks he has just made and thank him very much.

I also want to urge Members: Please bring amendments to the Energy and Water appropriations bill to the floor. We hope to finish this bill. The only way we are going to do it is if Members bring and file their amendments.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, 1 year ago today, the President nominated Adam Szubin to serve as Under Secretary for Terrorism and Financial Crimes at the Treasury Department. Mr. Szubin's nomination was pending in the Banking Committee for more than 11 months before we finally acted on it.

So far in this Congress—not this session, but the entire Congress—the Senate has not acted on a single nominee from the Banking Committee, even those who play critical national security roles like Mr. Szubin. We have not even acted yet on certain nominees eligible for expedited consideration by the full Senate. In the past, the Senate acted on these ''privileged nominees'' as a routine manner.

The hard-working people of Ohio, Arkansas, and Georgia expect the Senate to do its job. Part of our job is to give the President's nominees fair, respectful, and timely consideration. Unfortunately, the unprecedented partisan obstruction we have seen over Judge Merrick Garland's nomination to the Supreme Court has been a fact of life longer than that at the Banking Committee.

The Under Secretary for Terrorism and Financial Crimes is one of the most important national security posts in our government. Mr. Szubin serves in an acting capacity in that position. Despite having bipartisan support, as evidenced by the vote out of committee and as evidenced by his initial appointment to the executive branch by President Bush, his nomination has languished for a year—a full year—because of one thing: Republican obstruction.

Allowing this proven leader to remain unconfirmed weakens his position and undermines American influence in our efforts to track terrorists and stop them from raising money on the black market or elsewhere. The mission of Treasury's Office of Terrorism and Financial Intelligence is too important right now for us to have anything less than our best person in that role with the full backing of this Senate.

Mr. Szubin served Republican and Democratic administrations in senior positions related to economic sanctions and countering terrorist financing. His job is focused on leading our country's efforts to disrupt terrorist financing by ISIS, Al Qaeda, and other groups.

There is absolutely no question that he is qualified. Over the last decade and a half, Mr. Szubin has distinguished himself as a tough and aggressive enforcer of our Nation's sanctions laws against Russia, Iran, and North Korea, against money launderers and terrorists and narcotraffickers.

Given all the concerns surrounding terrorist financing, you would think a nomination for this position would be a priority. In the Senate Banking Committee and in the Senate in 2015 and 2016, that has not been the case.

I repeat. One year ago he was nominated. One year ago the Senate Banking Committee got his nomination.

Mr. Szubin's mentor, Bush administration Under Secretary Stuart Levy, was confirmed by the Senate 3 weeks after his nomination came to the Banking Committee, when the Democrats were in control of this Senate. Mr. Szubin's immediate predecessor took the Senate just 2½ months to consider.

This is a critical national security post that must be filled permanently. Szubin heads what is, in effect, Treasury's economic war room, managing U.S. efforts to combat terrorist financing and fight financial crimes. He leads the charge to choke off ISIL's funding sources and prevent it from developing additional capacity to strike targets around the world.

Cutting off the money supply, including profits from illicit oil sales, money-laundering extortion, and other crimes by ISIS actors is a critical part of our strategy to defeat this terrorist organization. He works to hold Iran to its commitment under the nuclear deal and to lead a campaign against the full range of Iran's other terrorizing, destructive, and destabilizing activities, including its support for Hezbollah and other terror proxies.

He has broad support across the political spectrum. Even groups opposed to the Iran nuclear deal support his nomination. Banking Chair Shelby described Szubin as ''eminently qualified.''

The recent Panama Papers scandal shows how some of the richest and most powerful people may have used shell companies in offshore accounts to evade taxes, launder money, and dodge sanctions. The leak of these documents underscores the role that Mr. Szubin and the Office of Terrorism and Financial Intelligence play in combatting money laundering and terrorist finance networks. It is yet another reminder of why Szubin's confirmation is so urgent.

Mr. Szubin is well-regarded around the world for his intellect, his courage, his experience, his expertise, and his integrity. He deserves the strong backing of the Senate. Confirming him would demonstrate the commitment of the United States to disrupt and destroy the global financial networks of terrorist organizations. Without it, his ability to operate here and abroad is undermined.

Treasury must have in place an experienced watchdog with the know-how and with the authority to lead U.S. efforts to track and choke off the financial lifeblood of terrorist organizations.

The bottom line is Republicans in Congress need to stop holding our national security apparatus hostage to political demands. We need to allow Adam Szubin and other national security nominees to be approved. The Senate needs to do its job.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 478, the nomination of Adam J. Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to vote on the nomination without intervening action or debate; and that following disposition of the nomination, the Senate resume legislative session.

The PRESIDING OFFICER (Mr. SCOTT). Is there objection?

The Senator from Arkansas.

Mr. COTTON. Reserving the right to object, and I will object.

Until just a few weeks ago, I did not object to Mr. Szubin's nomination.

I did oppose the nomination in the Banking Committee because he supports a clearly inconsistent interpretation of the Iran threat reduction act because it would hinder the implementation of the Iran nuclear deal. To be fair to Mr. Szubin, he is well respected on both sides of the aisle, having worked in the former Bush administration. I suspect this is not his interpretation. This is the interpretation of the

community organizer, the failed novelist, and the political operative who are in charge of implementing these parts of the Iran nuclear deal. However, I couldn't, in good conscience, support the nomination given that clearly flawed interpretation.

But just 2 or 3 weeks ago, Secretary Jack Lew gave a speech in which he all but announced that the U.S. Government would allow Iran access to the U.S. dollar. This would truly unravel every last sanction we have against Iran, not just for their nuclear program but for their campaign of aggression and terror throughout the Middle East.

This is in direct contradiction to what Secretary Lew said and in direct contradiction to what Mr. Szubin said. In fact, I would note Mr. Szubin's testimony before the Banking Committee last summer:

> Iranian banks will not be able to clear U.S. dollars through New York, hold correspondent account relationships with U.S. financial institutions, or enter into financing arrangements with U.S. banks. . . . In short, Iran will continue to be denied access to the world's principal financial and commercial market.

Further, in another quote, he said:

> . . . nor will Iran be able to access the U.S. banking sector, even for that momentary transaction to, what we call, dollarize a foreign payment.

Yet Secretary Lew has all but announced that the U.S. Government will allow Iran to dollarize their foreign transactions. In fact, Secretary of State John Kerry just this week is meeting with his Iranian counterpart to try to figure out more ways we can heap economic benefits on the world's worst state sponsor of terrorism.

So until President Obama, Secretary Kerry, and Secretary Lew publicly and conclusively renounce any intent to allow Iran to dollarize a foreign transaction, I will object to this nomination.

If the Senator from Ohio and 41 other Democrats don't like that, they should have considered that before they voted for a deal that gave over $100 billion to the world's worst state sponsor of terrorism.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. BROWN. Mr. President, I find it ironic. This is the first time we have actually heard specific reasons—all seeming fairly recent, mostly seeming fairly recent about objections to Mr. Szubin. But I also find it interesting that they talk about sanctions not being fully enforced. Well, don't you need someone in place who has the imprimatur of a full appointment to the position, not just nomination and serving as interim or acting but full appointment with Senate confirmation?

I just stand puzzled by that, but I also understand the partisan nature of this. I remember my colleague's letter to the country of Iran that 46 Republican Senators signed saying, for all intents and purposes: Don't negotiate with President Obama.

This is a lot about President Obama, but I don't care about that. What I care about is that he is acting in that position, and not confirming him makes no sense for our country.

A full year has gone by. I intend to continue to press for approval of Adam Szubin and others before our committee in the weeks ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Mr. President, I rise to speak about the conflict over the Supreme Court vacancy created by the untimely death of Justice Antonin Scalia. This conflict has two dimensions, one focusing on the nominee and the second focusing on the confirmation process.

America's Founders established a system of government that preserves liberty by limiting government and including a defined role for judges. Three of America's Founders provide principles helping to define that judicial role. James Wilson signed the Declaration of Independence, helped draft the Constitution, and was one of the six original Supreme Court Justices appointed by President George Washington. He explained our system of government by saying that ''here, the people are the masters of the government.''

The second principle is from President Washington himself, who said in a farewell address, on behalf of our system of government, that the basis of our system of government is that authority to control the Constitution belongs to the people.

Alexander Hamilton served in the Continental Congress, helped draft the Constitution, and became the first Secretary of the Treasury. He wrote 51 of the 85 installments of the Federalist Papers, the single most important reference for understanding the Constitution. In Federalist No. 78, he wrote that the judiciary is the weakest and least dangerous branch because judges exercise judgment but not will.

These three principles outline the proper role for judges in our system of government. The people are the masters of government. They alone have the authority to control the Constitution, and judges may exercise judgment but not will. Our system of government and the liberty it makes possible requires judges who leave control of the law in the hands of the people.

The conflict over the appointment of judges is really a conflict over the power of judges—a conflict over whether this should still be the proper judicial job description. Those whose political agenda fares poorly with the American people and their elected representatives want a very different kind of judge. They want willful judges who will impose their political agenda by manipulating statutes or the Constitution.

This is the first dimension of the conflict over filling the Scalia vacancy. I have spoken and written extensively about how the Senate owes the President some deference regarding nominees who are qualified by both legal experience and judicial philosophy. Those considerations are relevant when the confirmation process takes place.

However, the second dimension in the conflict over filling the Scalia vacancy focuses on the process, rather than the nominee. When and how the nomination process should occur is rarely a question at all, but it is a serious one under the circumstances we face today. Ignoring the integrity of the process, acting as if the ends always justify the means, would be a serious dereliction of the Senate's duty.

The President has the constitutional power to nominate judges, but he cannot appoint them without the advice and consent of the Senate. However, the Constitution does not tell either the President or the Senate how to exercise their powers. Deciding when and how to conduct the confirmation process is as valid an exercise of the Senate's advice-and-consent power as is taking a final confirmation vote at the end of that process.

Our late colleague Daniel Patrick Moynihan of New York once said that everyone is entitled to his own opinion but not his own facts. The majority leader recently offered a similar axiom when he said that ''no matter how many times you tell a falsehood, it is still false.'' When it comes to falsehoods, Democrats and their liberal allies are telling some real whoppers. For example, the minority leader has said the Senate's obligation to hold a hearing and a floor vote for President Obama's nominee is ''in the Constitution.'' He has made that claim in different forms on the Senate floor more than 40 times.

I understand Democrats want the Senate to confirm the President's nominee to the Scalia vacancy, but I cannot understand why they would put all their eggs in this completely fictional basket. As falsehoods go, this one is especially easy to expose because the Constitution obviously says no such thing. This is why the Washington Post Fact Checker called the Democrats' claim that the Constitution requires Senate consideration a politically convenient fairytale.

One of the reasons the Constitution says nothing about Judiciary Committee hearings is that the committee was not created until 29 years after the Constitution was written. In fact, the committee's practice of nominees regularly appearing in public hearings did not begin until the 1960s. During the

110th Congress, Chairman PATRICK LEAHY denied a hearing to dozens of President George W. Bush's judicial nominees. If the minority leader is right that the Constitution requires such a hearing, then Chairman LEAHY was guilty of serially violating the Constitution.

Between 2003 and 2007, Senators PATRICK LEAHY, CHARLES SCHUMER, and RICHARD DURBIN voted dozens of times to deny floor votes to Republican judicial nominees. So did Senators HILLARY CLINTON, JOSEPH BIDEN, and JOHN KERRY. If the minority leader is right that the Constitution requires a floor vote on every nominee, then these Senators were guilty of deliberately attempting to violate the Constitution over and over again. So was the minority leader, himself, because he voted 25 times to deny the very floor votes that today he claims the Constitution requires.

The Constitution does not require committee hearings, and it does not require floor votes. The Constitution leaves to the Senate the judgment about when and how to conduct the confirmation process in each situation. Republicans have made that judgment by deciding that the confirmation process for filling the Scalia vacancy should be deferred until after the Presidential election season is over. We are following the recommendation of Vice President JOE BIDEN in 1992, when he chaired the Judiciary Committee. The circumstances compelling his recommendation to defer the confirmation process exist in equal or greater measure today.

Neither Democrats nor their leftwing allies have even attempted to argue that the 1992 Biden speech and his recommendation do not apply today. Instead, they have had three different reactions. First, some have simply dismissed it as not worth taking seriously. For example, President Obama responded by saying that ''we know Senators say stuff all the time.'' Others have complained that Republicans are misconstruing that speech or somehow taking it out of context. Just as anyone can test the minority leader's claim about the Constitution by reading the Constitution, however, they can test our discussion of Chairman Biden's 1992 speech by reading that speech—a rather long one indeed. The Washington Post read it, and reported this on February 23:

> Biden's remarks were especially pointed, voluminous and relevant to the current situation. Embedded in the roughly 20,000 words he delivered on the Senate floor were rebuttals to virtually every point Democrats have brought forth . . . to argue for the consideration of Obama's nominee.

In his 1992 speech, Chairman BIDEN addressed how the confirmation process should be conducted in two different scenarios. First, he spoke about a Supreme Court vacancy in a Presidential election year. This was his recommendation:

> It would be our pragmatic conclusion that once the political season is under way, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over.

That was then-Senator BIDEN, chairman of the committee.

Second, Chairman BIDEN separately discussed how the confirmation process ''might be changed in the next administration, whether it is a Democrat or a Republican.'' He used the phrase ''the next administration'' no less than four times. This was his recommendation:

> If the President consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support. . . . But if he does not, as is the President's right, then I will oppose his future nominees as is my right.

Two separate scenarios, two separate recommendations. The first scenario involved a Supreme Court vacancy in a Presidential year like 1992, and the recommendation involved the entire appointment process. Those circumstances and that recommendation apply fully today.

The second scenario Chairman BIDEN addressed involved the next administration, outside a Presidential election year, and his recommendation involved his personal support or opposition. Those circumstances and that recommendation do not apply today.

I understand Chairman BIDEN's recommendation for deferring the confirmation process in a Presidential election year is a very inconvenient truth for his party today. However, the only ones misconstruing that speech today are those trying to create confusion where none exists by conflating these two separate scenarios and recommendations.

The third reaction to Chairman BIDEN's 1992 speech is to pretend that he said something he simply did not say. For example, I have heard the claim that Chairman BIDEN would have gone forward with the confirmation process in 1992 if the President consulted the Senate before choosing a nominee. Let me once again quote the minority leader. It is pretty clear: ''No matter how many times you tell a falsehood, it is still false.'' Read the speech. Chairman BIDEN said no such thing.

I also want to comment on the President's recent remarks at the University of Chicago on the Scalia vacancy. For example, he said that ''there has not been a circumstance in which a Republican President's appointee did not get a hearing.'' Of course, the Senate's power of advice and consent applies across the board. If the Constitution requires hearings and floor votes for some nominees, it requires them for all nominees.

Last month, the Congressional Research Service confirmed in a new memo that during the 102nd Congress, when Democrats controlled the Senate, 52—52—Republican judicial nominees never even got a hearing. Vice President BIDEN chaired the committee and denied those hearings. In September 1992, the New York Times reported on page 1 that this was part of a deliberate strategy to keep judicial vacancies open in the hope that Bill Clinton would be elected.

The President also said there has not been a circumstance when a Republican President's nominee did not get a floor vote. Obviously, none of the dozens of nominees denied a hearing ever got a floor vote. The 52 Republican judicial nominees I just mentioned were not only denied a hearing, they were never confirmed at all. When the President served in this body, he voted to deny floor votes to multiple Republican judicial nominees. In fact, he has the distinction of being the only President ever to have voted to filibuster a Supreme Court nominee. The President was a Senator during the 110th Congress, when Chairman LEAHY denied a hearing to dozens of Republican nominees. I could find no record that then-Senator Obama objected in any way that these nominees were being denied full consideration.

The President also said that the increasing use of the filibuster to defeat nominees is unacceptable. Democrats first used the filibuster to defeat a majority-supported judicial nominee in 2003. They are the ones who started this. They led nearly two dozens filibusters during the 108th Congress alone, preventing one appeals court nominee after another from being confirmed. President Obama should know this because, as I mentioned, he participated in and supported this filibuster campaign. The President should also know filibusters of judicial nominees declined by 65 percent after he took office in January 2009. That did not matter to Democrats who, in November of 2013, abolished the very filibusters they had used so aggressively.

The President also expressed concern that an increasingly partisan confirmation process would erode the judiciary's institutional integrity and that the American people would lose confidence that courts can fairly decide cases. I submit that the kind of judge a President advocates has a much bigger impact on the American people's view of the courts.

When he was a Senator, the President said judges decide cases based on their personal views, core concerns, and what is in their hearts. When he ran for President, he told Planned Parenthood that he would appoint judges who have empathy for certain groups. As President, he has nominated men and women who share this politicized, activist approach, believing that judges may make the Constitution conform to current social practices and evolving cultural norms. I think our fellow citizens can easily see that relying on personal empathy and personal concerns is the opposite of impartiality.

Since President Obama took office, the percentage of Americans disapproving of the way the Supreme Court is handling its job has risen by more than 20 points, and the percentage saying the Court is too liberal has

risen steadily. Three-quarters of Americans now believe Supreme Court Justices decide cases based on their personal or political views, even though most Americans think they should not do so. The kind of judge President Obama and other liberals favor has much more to do with such trends than how we handle some procedural matters within the United States Senate.

Finally, I want to respond to the minority leader's recent attack on the Judiciary Committee and its distinguished chairman, Senator GRASSLEY. The minority leader recently made the bizarre claim that Chairman GRASSLEY ''forced his committee members to sign loyalty oaths.'' I first thought I must have heard wrong. That statement is completely detached from reality, and, I thought, no Senator would utter something so strange on the Senate floor, but there it is in the CONGRESSIONAL RECORD.

The minority leader may be referring to the letter dated February 23, signed by the Republican members of the Judiciary Committee affirming that there will be no hearing for any nominee from President Obama for the Scalia vacancy. The chairman did not force anyone to sign anything. It may come as a surprise to the minority leader, but we sincerely and freely came to the conclusion that the confirmation process should be deferred.

If the minority leader really wants to characterize Senators acting together as evidence of a ''loyalty oath,'' then I have another example for everyone to consider. When Democrats led 20 filibusters of President George W. Bush's judicial nominees during the 108th Congress, not a single Democrat voted even once to end debate—not one. Every one of the 868 total votes for those filibusters was cast by a Democrat, 20 of them by the minority leader himself. Now, that is loyalty.

I have yet to hear an argument from the other side regarding the Scalia vacancy that is not contradicted by present facts, by their own past actions or both. The Constitution assigns to this body the responsibility of advice and consent as an important check on the President's power to appoint. Advice and consent begins with a judgment about the best way to exercise that power in each situation. We have done so in different ways, at different times, under different circumstances.

Democrats and their leftwing allies are peddling the false claim that the Constitution requires the Senate to conduct the confirmation process now for this President's nominee to the Scalia vacancy. Of course, they are free to claim the Constitution requires today the very hearings and floor votes they denied to Republican nominees in the past. They may say those falsehoods as often as they wish, but they are still false.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ADAM SZUBIN

Ms. HEITKAMP. Mr. President, I rise today to remind everybody that today is the 1-year anniversary of Adam Szubin's nomination to a key Federal post that works to stop financing for terrorism; yet he still waits a confirmation vote in the full Senate.

Mr. Szubin, if you have met him—I think almost anyone would agree he is one of the most qualified people for this job to enforce U.S. sanctions on terrorism, finance laws against countries such as Syria, Iran, North Korea, as well as against terrorist organizations, narcotraffickers, and money launderers. The Senate needs to do its job by holding a vote on Mr. Szubin's nomination, as well as the nominations of so many other Federal nominees. We have to stop putting politics above national security.

Exactly 1 year ago today, Adam Szubin was nominated to serve as the U.S. Treasury Department's Under Secretary for Terrorism and Financial Crimes. For 1 year, Adam Szubin and his family have been waiting for a vote in the Senate—and his family. I think way too often when we delay votes, when we string out these nomination processes, we forget that it is not just the nominee, it is also the families of the nominees who are waiting for a final decision. Mr. Szubin received a vote in the Senate Banking Committee in March. Now the Senate needs to do its job and vote up or down on his confirmation.

I have a particular soft spot for Adam because I am convinced that he is one of the most intelligent people I have ever had in my office, and especially in this critical and important job. He has 15 years of experience countering the financing of terrorism in both Republican and Democratic administrations. During Mr. Szubin's confirmation in the Senate Banking Committee last September, Chairman SHELBY called Mr. Szubin eminently qualified.

If we are serious about enforcing sanctions against Iran and defeating terrorist organizations such as ISIL and Al Qaeda, we have to stop the financing of terrorism. That means we need Adam Szubin to be able to do his job at the U.S. Department of Treasury.

In January, I visited the Mideast on an official Senate trip with seven other Senators. We visited Saudi Arabia, Turkey, Israel, and Austria. The goal was to learn more about the ongoing threats posed by terrorist groups such as ISIL and the progress we have made to roll back Iran's nuclear program. We met with allies in the region to learn more about how to best prepare the United States to face these issues. This trip was about protecting the safety and well-being of our country.

During our meetings, the issue that came up over and over again was, how do we stop the financing of terrorism? We know that financing is the linchpin of a terrorist organization being able to do everything they do, threatening our country and threatening the world. For the United States to ably and effectively do that work, Adam Szubin needs to be confirmed to the job for which he has been recommended.

Some would say that it doesn't really matter, that Adam Szubin is still at the Department of the Treasury and we really don't need to do this. I think we need to look at, No. 1, what it means for the individuals and their families when we delay these confirmation votes. I am not saying—and Members on both sides of the aisle will have to make up their minds on how they are going to vote on that confirmation, but why is it that we can't even get a vote? Why is it that we can't even get our job done?

Here is a position which most people in this body would say is absolutely critical to the security of our country. If Adam Szubin isn't the right guy for the job, the right person for the job, then let's find that out—according to the advice and consent of this body—and nominate somebody else. But why are we holding back on this critical job against a nominee who I would tell you is eminently qualified? We should be so lucky as to have someone with his qualifications, his capability helping protect our country. Yet we ask him to wait. We ask other nominees to wait. We ask that they sit by the sidelines with their professional lives in limbo while we have political discussions here in the Senate.

Is this a political decision? It might be. You know what. Let's take the vote. Why is this so hard? Why is it so hard to actually put up a number of nominees, take the vote, make the decision, and move on? I think that as I and many of my colleagues spend a lot of time talking to young people, encouraging them to be involved in public service, encouraging them to be part of a system that really does benefit all the people of this country. We ask people to go into public service, and then, when they aspire and work to achieve some of the highest positions in our country, we say: Not only are we not going to consider your nomination, we are not going to vote on it even after it comes out of committee. That is not a formula that speaks well to our recruitment of the best and brightest to serve the American people.

A year later, Adam Szubin remains in limbo. His family remains in limbo. His confirmation remains in limbo. Please, let's just vote. There are plenty of votes probably on the other side to say ''We are not going to confirm you,'' but it is not right. It is not right. It is not fair to his family, it is not fair to him, and it is not fair to the people of this country to not have a confirmed

person in the position for which Adam Szubin has been nominated.

I hope we can take a look at all of these nominees, break this logjam, and eventually get folks put in positions that are essential for American security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, on behalf of the Senator from California and myself, I ask unanimous consent that the committee-reported substitute to H.R. 2028 be withdrawn and that amendment No. 3801 remain pending and be considered the committee-reported substitute amendment.

The PRESIDING OFFICER (Mr. TOOMEY). Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

PRESCRIPTION OPIOID ABUSE

Mr. TOOMEY. Mr. President, I rise this afternoon to talk about a huge problem that I am pretty sure is affecting every one of our States. It is certainly affecting my State in a very serious way, and the abuse of opioid painkillers often leads to the abuse of heroin, overdoses, and death. This is wreaking havoc all across Pennsylvania. It is affecting every geographic part of the State. It is in urban areas, suburban, and rural areas. It affects every demographic group and every age group. The scale of the problem is shocking. The increase in the number of people who are overdosing and becoming addicted is disturbing. I began hearing about this issue immediately when I became a Senator in 2011, and frankly this problem is getting worse.

I recently became the chairman of the Senate Finance Subcommittee on Health, and that has given me an opportunity to delve into this ever more deeply. We have had a series of hearings across Pennsylvania to get as much expertise as possible so we can learn about what is causing this and how we should deal with it. There are three areas that have come to my attention—three directions—that I think the Federal Government can pursue to help deal with this very complex and very widespread problem of opioid addiction. No. 1, we need to improve the access and quality of treatment for people who are addicted. There is no question that this is a very difficult disease to treat. There is so much we don't understand. We don't understand what predisposes someone to be more likely to develop an addiction. We don't understand the genetic implications. We know there are some behavioral issues, but we don't understand as much as we need to know about it. We do know there are often underlying mental health issues which contribute to this problem. Whatever these causes are, we need to learn more so we can treat and prevent them better, and we need to treat the people who currently find themselves in the very difficult situation of facing addiction. As I said, that is category No. 1.

There is another thing we can do in the Federal Government. We need to take steps to reduce the diversion of these powerful prescription narcotics to the black markets. In fact, prescription opioids are available on the street for a price. There is a market for them, and they contribute to the addiction problem we have. They don't get there because a burglar broke in and stole them from a pharmacy. That is not the typical way these narcotics get to the street. They get there because someone prescribed it and a prescription was filled. We need to look at ways to reduce that phenomenon.

I introduced legislation with Senator CASEY, my Pennsylvania colleague, Senator PORTMAN, Senator BROWN, and Senator KAINE. That legislation is designed to reduce the frequency and occurrence of prescription opioids finding their way into the black market. Our bill provides Medicare with a tool that Medicaid and private insurers have long had, and that tool is called Lock-In. When an insurer—in the case of our legislation it would be Medicare—discovers that a patient is doctor shopping, which is systematically going to multiple doctors and getting multiple prescriptions for opioids, filling them at multiple pharmacies, and ending up with a commercial scale quantity, our legislation would allow Medicare to lock that patient into a single prescriber and single pharmacy. Any person with a legitimate need can get that need met, but we can put an end to some of these very large quantities reaching the black market.

The good news is our legislation was offered as an amendment. Senator CASEY and I offered it as an amendment to the CARA legislation a few weeks ago. It was adopted by the Senate, and of course the underlying CARA legislation was passed by the Senate. I am hoping the House will take this up, pass it, and get it to the President, and I am confident he will sign it. That would be a big step in the right direction.

The third category of action that I think we need to consider are steps that would reduce overprescribing in the first place. One of the things I have learned from the many hearings I have had across Pennsylvania are doctors who have told and described to me a culture within medicine in recent decades which has put so much emphasis on eliminating all pain that doctors are tending to prescribe these opioids in far greater quantities than would have been imagined a couple of decades ago. That is an important piece.

I have raised questions about whether it is appropriate to use opioids to treat long-term chronic pain as opposed to short-term acute pain. That is another area we ought to be raising questions with health care professionals so they can help us understand so we have an answer. There is yet another way I think we can address this in the Senate, and that is an unintended consequence of ObamaCare—a provision in ObamaCare that I think is encouraging doctors to overprescribe opioids in the hospital setting. That is what I want to talk about today.

First, a little background on this. ObamaCare created a system that provides financial rewards to hospitals that perform well on certain outcomes, such as reducing readmissions and hospital-acquired infections, for instance. If they do badly in those areas, then they are penalized and get lower reimbursements. It is a financial set of incentives to get better outcomes. Those two examples I just mentioned, readmissions and hospital-acquired infections, are objective, measurable, quantifiable, and there is little doubt we want to see less of those things. You can argue that it makes sense to have financial incentives to deal with that.

ObamaCare also links reimbursement for hospitals to a much more subjective outcome separate and apart from the ones I just mentioned; that is, patient satisfaction as defined by the government. Specifically, the Federal Government mandates that hospitals survey their patients about their stay at a hospital using a form known as the Hospital Consumer Assessment of Health Care Providers and Systems, or HCAHPS. It is known as HCAHPS. That is the survey hospitals are required by ObamaCare to administer to their patients. Hospitals that have a higher score on this survey get more money and hospitals that have lower scores on this survey get less money. There is a roughly $500 million swing nationally across the country based on these personal patient satisfaction scores alone.

It is not just that the government is saying these scores are important, the government is making it financially important to these hospitals. This raises a question, and the question is, Is the hospital score on some bureaucrat's test always in the patient's best interest? It is not clear to me that it always is. There is no doubt that hospitals, physicians, nurses, and health care providers generally want to have satisfied patients. We all do. We want to be a satisfied patient when we go to see a doctor or go to a hospital. It is obviously a good thing if a patient has as good an experience as possible, but it is specifically the survey questions on pain management per se that are raising a lot of red flags and not just with me but with health care professionals and those who have been studying it. There was a recent Time magazine article entitled ''How ObamaCare is Fueling America's Opioid Epidemic.''

This article is a lengthy investigation into the unintended but as I said predictable consequences of this ObamaCare-created HCHAP survey and specifically the questions in the survey that relate to pain management and the prescription of opioids.

One of the questions from the study is: ''During this hospital stay, did you need medicine for pain?'' Second question: ''During this hospital stay, how often was your pain well controlled?'' Finally, during this hospital stay: ''How often did the hospital staff do everything they could to help you with your pain?''

These are the questions that patients respond to, and they contribute to the overall score on the test. The score on the test determines, in part, the level at which the hospital is reimbursed by Medicare. There is a very powerful financial incentive for hospitals to make sure that patients are answering these questions in a way that will get the desired response from CMS—from Medicare. They are graded on these questions. So it is a big incentive. When you tie the measurement of these kinds of questions to reimbursement, you are very likely to get changes in behavior. In fact, that seems to be what is happening.

I think we need to ask ourselves whether we are striking the appropriate balance here when 27,000 people are dying from heroin and prescription painkiller overdoses. Many of the people who are dying from heroin overdoses began with prescription opioids, and they moved on to heroin when they discovered that it was cheaper and more available than the prescription opioid that they got addicted to in the first place.

So there is increasing evidence now that physicians and hospitals are, in fact, responding to these financial incentives, and they are responding by prescribing more opioids.

Dr. Nick Sawyer, a health policy fellow at the UC Davis Department of Emergency Medicine told Time Magazine:

> The government is telling us we need to make sure a patient's pain is under control. It's hard to make them happy without a narcotic. This policy is leading to ongoing opioid abuse.

A survey by the South Carolina Medical Association found that almost half of over 150 doctors responding reported that they were prescribing inappropriate narcotic pain medication because of the patient satisfaction questions. One doctor wrote that drug seekers ''are well aware of the patient satisfaction scores and how they can use these threats and complaints to obtain narcotics.''

Here are two examples from a story entitled ''Patient Satisfaction is Overrated,'' published by the Pennsylvania Academy of Family Physicians, about Press Ganey, a company that administers patient satisfaction surveys that often include these HCAHPS questions.

One doctor reported that he had to give Dilaudid—and that is a powerful prescription opioid—for minor pain because his score on this test was too low in the previous month.

An emergency room doctor with poor survey scores started offering hydrocodone goody bags to discharged patients to improve his ratings.

Now, as I said, I have had multiple field hearings across Pennsylvania to hear firsthand from health care providers, recovering addicts, law enforcement—people who are dealing with this epidemic in a variety of ways. One of our witnesses in Pittsburgh last October was Dr. Jack Kabazie. He is the system director of Allegheny Health Network's Division of Pain Medicine. He testified: ''Physicians who have compensation or employment tied to patient satisfaction scores may feel pressured to prescribe opioids in response to patient pain complaints.''

Another ER doctor told my office how his hospital administrator informed him that the ER patient satisfaction scores are in the 50th percentile—or average—and that he should find a way to get them higher or ''I'll find someone who can.''

This is a big concern. There is a range of evidence that doctors and hospitals have been changing their prescribing habits in response to these pain questions.

Now, let me be clear about one thing. None of us wants to see anyone needlessly suffer. None of us wants to themselves go through pain that is unnecessary. None of us want to see a loved one or anybody experiencing pain if it could be appropriately managed. For the terminally ill, of course, it makes sense to do everything possible to make those folks as comfortable as they can be in their final days. But what I am asking is this: Are we appropriately weighing the risks and the benefits here?

Sure, there is a benefit to complete and immediate elimination of all pain that a powerful narcotic can temporarily provide, but we know that there is also a risk of addiction to that narcotic. That risk is very significant, and it has increased exponentially. That addiction is incredibly dangerous because it can spiral out of control and even lead to heroin abuse, addiction, and death.

Have we gone too far in creating an expectation that the results for every patient must be zero pain? Or are there some circumstances in which it is better to treat pain as best we can with nonnarcotics—other ways or other medicines? There are other treatments, including physical therapy. There are other ways to diminish pain. It may not be 100 percent effective all the time, but if it is temporary and it has zero risk of opioid addiction, then maybe we ought to be considering that a little more frequently.

So this is definitely a complicated issue. There are many factors contributing to the heroin epidemic, the opioid epidemic. But it is increasingly looking like one of the contributing factors at some level is the financial incentives created by this aspect of ObamaCare, this particular questionnaire that focuses significantly on complete elimination of pain. I think we need to ask ourselves whether this is appropriate.

Last week, the group Physicians for Responsible Opioid Prescribing sent a petition signed by more than 60 nonprofit groups and medical experts—including Pennsylvania's Department of Health Secretary Karen Murphy—to CMS, calling for the removal of the pain questions from the HCAHPS survey. Now, that is one approach.

Senator JOHNSON from Wisconsin has introduced a bipartisan bill that has a lot of merit. His bill is called the Promoting Responsible Opioid Prescribing Act. What his bill does is it removes the results of the pain questions from Medicare's calculations of reimbursement. So the questions would still be asked, and we would still learn about how patients feel about the extent to which their pain was managed. But it wouldn't affect the hospital's reimbursement. I think there is a lot of merit for that proposal. Again, it is because we are in the midst of a deadly crisis. It is killing people every day.

The impact of opioid addiction and heroin addiction and overdose on a family is so devastating. I can only imagine the grief, but I know people who have been through the grief of losing a child, losing a loved one to this terrible scourge. That is why I am here on the Senate floor today. That is why I want to continue to focus on this.

I think there are many things that we need to consider, but one of them is decoupling the results of these pain questions from the level of reimbursement, because the evidence is starting to mount that the financial tie is creating incentives to change behavior.

So I hope we will, as a body, address this issue seriously, because there is a lot that needs to be done on this.

I appreciate the recognition, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, the faces and voices of the opioid and heroin epidemic are all around us. The victims and survivors are everywhere, in Connecticut and across the country.

Just this past weekend, one of them perished. A young woman, Erikka Lyn Hughes, was found unconscious in her boyfriend's apartment, later dying from a heroin overdose. Erikka was only 21 years old. She had her whole life ahead of her, and her future was destroyed as a result of this epidemic.

Her family, bravely and strongly, has chosen to speak out and stand up in the midst of their shock and grief to say that they hope that Erikka's story will inspire action to combat this epidemic of overdose and addiction.

Rampant opioid overdose and abuse and misuse in our country has reached epidemic proportions, and it shows no signs of slowing. In Connecticut, I have seen these stories firsthand. This public health hurricane has swept our State and our Nation, crashing down on the lives of families and innocent people, much as a natural disaster would destroy homes or landscapes, leaving a path of pain, heartbreak, and addiction in its wake.

The numbers in Connecticut are as shocking as they are tragic. Last year in my State, a record number of people—nearly 700—died from opioid overdoses. Sadly, this number is abstract, but it reflects a disheartening trend that has led to a 75-percent increase in prescription drug overdoses in Connecticut since 2012. I have heard stories, seen faces, and heard voices firsthand in roundtables that I conducted around the State of Connecticut—nine in all—involving public health experts, doctors, specialists, public officials, law enforcement, and—maybe most movingly and profoundly—recovering addicts and their families.

I heard from parents who have buried children far too young. I heard from first responders whose quick action saved lives using Narcan. I heard from doctors who understand that change is needed to prevent this disease from spreading further and from families and professionals from Torrington and Rocky Hill, Willimantic and Wethersfield, Bridgeport and New London, New Britain and New Haven—across our State—people who came forward to break the silence and defeat the denial that is one of our greatest enemies in this fight against opioid addiction and abuse.

This problem knows no boundaries and no distinctions in income, race, religion, ZIP Code. It afflicts and affects everyone everywhere, and that is the beginning truth to solve the problem.

I heard heartbreaking stories from a woman who lost both of her sons to addiction. The sobering conversations I had with her family and others, while not always easy, were absolutely crucial to my understanding how widespread and pervasive this problem is. What I heard from them and what I believe is necessary is a call to action. It is more than an effort to honor the legacy of Connecticut citizens who were lost last year—mothers, fathers, daughters, sons, sisters, and brothers—but to teach every one of us to reach those who are still fighting their own private battle against this disease.

Make no mistake. It is a disease. It is every bit a disease—as much as any we have discussed on this floor—requiring research and action and urgent and drastic steps that we can and must provide because it is demeaning and reducing our Nation's fabric. It goes to the core of America.

These conversations led me to do a report. I was inspired by the loved ones and families who have lost the most to do a call to action. It is called ''Opioid Addiction: A Call to Action,'' and it has 23 specific and definite recommendations. Some require funding, but others are without fiscal impact. I hope to discuss them at length in a series of speeches on the floor and not to leave this issue at one talk, one speech, one remark, but to talk about it continuously, as we all should be doing in our communities, because, again, denial and silence are the enemies here.

This report outlines 23 policy proposals focused on curing our Nation's addiction to opioids. The proposals are all grassroots, community-based solutions suggested by people who have firsthand knowledge. They are experts—maybe not in academic training, maybe without Ph.D.s and qualifications based on formal studies, but they know this pervasive problem. They have seen it firsthand, and they have observed the wreckage and destruction that opioid addiction causes. They cannot bring back the lives of their loved ones, but they are determined that others will be spared this hurricane's effects.

These proposals, which touch on prescribing practices, adequate treatment, emergency medical response, law enforcement, and help for our veterans, have the common goal of ending this crisis. They are a response to the most pressing issues I heard throughout our conversations. While none is a panacea, none is a single bullet, all of them together are the beginning of a long process that must be undertaken toward curbing this epidemic.

A place to start is with our prescribing practices, which is where misuse and abuse so often begin. Our Nation makes up 5 percent of the world's population; we use 80 percent of its opioid painkillers. In 2012, doctors wrote 259 million prescriptions for painkillers, enough for every American adult to have a bottle of these controlled substances for themselves.

Many of us have children. My wife Cynthia and I have four. Every one of them plays sports and every one of them has suffered sports injuries. Most of them could have availed themselves of these painkillers. We drew the line and said no. Other parents should be doing the same, but more importantly, the providers should be exercising greater discipline and self-restraint because every one of those bottles, even if prescribed for legitimate injuries such as broken bones, repaired LCLs, and other kinds of injuries, is potentially a risk.

Just last week a couple in Connecticut was arrested for selling painkillers out of their home. For 2 years they collected 1,400 powerful painkillers from their local pharmacy, abusing their own prescriptions in the process. In the pharmacy that got them arrested, the couple picked up 300 oxycodone and 140 oxymorphone tablets. This flagrant abuse of the system should not be possible in our State or any others.

There are legitimate reasons for painkillers to be prescribed, especially in chronic pain or end-of-life situations. There is no need to deprive people of those painkillers when they need them for those inevitable reasons, but my call to action outlines steps to confront this issue where it can be addressed so as to minimize the risk of abuse or misuse or overuse, especially when young people such as our children are involved.

It would mandate training for medical professionals to reduce opioid overprescribing. It would call for drug enforcement agency guidelines for partial fills of these prescription opioids, meaning fewer of these prescription drugs would make it onto our streets.

Of course, reducing prescriptions can't be the only answer, particularly when so many who need care go without it. My report also seeks to improve treatment options, calling for meaningful mental health parity, implementation of the law requiring it, and much more vigorous and effective enforcement to ensure that people who need help actually receive it. This step includes access to medication-assisted therapy that can prove essential to the recovery process.

We can do more to guarantee that Naloxone, a powerful antidote to heroin overdose, remains both affordable and successful. This means holding manufacturers accountable when they begin raising prices to astronomic levels. The prices have been skyrocketing. Local police and firefighters are often unable to afford it in their current budgets. It means also pushing for elimination of copays when it is prescribed at pharmacies. Insurance ought to cover it. It also means that the Federal Government must do its part and increase funding for Narcan so that cash-strapped first responders can actually afford it to save lives.

Our law enforcement officials require both the training and resources needed to keep our streets safe and our communities healthy and drug-free. That means funding to establish prescription drug monitoring programs—effective programs to facilitate training so that police officers can recognize when suspected criminals are actually people struggling with addiction and to assist drug take-back programs throughout our States and Nation that allow the return of unused prescription drugs.

Finally, in my role as ranking member on the Senate Veterans Affairs Committee, I have encouraged the establishment of more consistent and safe VA prescribing practices and the creation of an integrated service model for mental health and pain management.

I am pleased that the Senate raised this issue and addressed it and passed

the Comprehensive Addiction and Recovery Act earlier this year, but that measure is a downpayment. It is only the beginning. I hope policy levels at all levels of government will draw on the strategies delineated in this legislation and in my report and elsewhere to combat the devastating epidemic of addiction and abuse.

Passing new laws is not the only answer. Enforcement and implementation of existing ones is necessary too. The prime example is mental health care, where still, years after President Bush signed that measure in 2008, its implementation is inconsistent and inadequate, and enforcement of mental health parity remains an aspiration, not an action. Part of what we need to do is make sure that existing laws are implemented effectively and fairly and that the investment is made in commonsense, practical measures like the 23 recommendations I have outlined in this report—by no means an exclusive way to deal with this problem.

I have no pride of authorship in these 23 recommendations. I would yield to wiser and better suggestions, but the point is that action is necessary. It is necessary now because every day we lose lives. Despite the best efforts of our first responders and our medical community, we continue to lose lives and futures, and our families continue the grief and heartbreak that I saw in my roundtables and that families in Connecticut feel today.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

PUERTO RICO

Mr. RUBIO. Mr. President, I want to speak today about the fiscal crisis that faces Puerto Rico. In addition to some thoughts on what the island's own leaders need to do, I would like to commend the House leadership for their efforts to solve this problem with the recent bill they proposed. We need to take a close look at their proposed solutions, but they are right to tackle this problem head-on, and I look forward to offering more ideas as the debate reaches the Senate.

Whenever I speak about Puerto Rico, I like to start by reminding people of a very basic fact: The people of Puerto Rico are American citizens and right now they are living in dire economic conditions. More than 3.5 million of our fellow Americans on the island are facing tremendous economic hardship, in large part because of irresponsible leadership from the government in San Juan.

As we all know, Puerto Rico has a debt crisis of enormous proportions, and it has thrown off the stability of its economy from top to bottom. While some have suggested that Washington can deliver a silver-bullet solution to help Puerto Rico out of its debt, the reality is that nothing Washington does will be effective unless Puerto Rico's leaders turn away from decades of failed policies.

The debt crisis goes hand in hand with a deeper problem: Puerto Rico's economy is not growing, and if the economy in Puerto Rico does not start growing, they will never generate the revenue necessary to pay their debt or the billions of dollars in unfunded liabilities they currently have on their books; in other words, the promised payments they have made to future generations that are completely unrealistic.

Why is their economy not growing? The primary reason is decades of left-leaning policies that have made it too expensive to do business. Tax revenue is too high. Government regulations are stifling. The island is unattractive to investors. Their leadership has simply been irresponsible. This year alone, even with all the fiscal problems they are having, they barely reduced their budget from last year. In that sense, the problem in Puerto Rico is not unlike the problem we have here in Washington, DC. Puerto Rico's government is spending more than it takes in, and any time you spend more than you take in, you are going to have debt. No restructuring is going to solve that unless you restructure the way you spend money. Bankruptcy protection alone is not going to solve it either. Without reforms, if we grant bankruptcy protection by itself, Puerto Rico will simply be bankrupt again not far down the road.

As a result of all of these problems, there is a massive exodus of professionals and others from Puerto Rico. They are leaving and heading to Florida and other places in the mainland United States. If we don't solve the problem on the island, we are going to continue seeing thousands of Puerto Ricans leave, which is going to further cripple the island's economy and reduce its revenue.

The leadership in San Juan has to show its willingness to get their fiscal house in order. They need to accept that their decades of liberal policies have not succeeded and must now be traded in for pro-growth policies. If they keep refusing to do this, our options in Washington will be more limited and we won't have support.

To help Puerto Rico, first and foremost, we need to do the same things that are necessary to help the rest of the United States. We need pro-growth and pro-family tax reform at the Federal level. We also need to repeal and replace ObamaCare so we can end the disproportionate damage the Obama administration has inflicted on the island by raiding its Medicare Advantage funding and reducing reimbursement payments for Medicare, which have left patients with fewer health options and higher costs.

Puerto Rican consumers need to be treated the same as other American consumers on the mainland.

It may be that the best path forward for Puerto Rico would be at some point to include a limited opportunity to restructure its debt, but that will require a serious discussion first to ensure that the solution is responsible and fair to creditors as well. Any mechanism for debt restructuring must be a last resort. It must come after Puerto Rican leaders have shown seriousness, initiative, and courage in tackling the problem, and it cannot be seen as the silver bullet that leaves the creation of conditions for economic growth by the wayside. Otherwise, protection will only amount to a cosmetic solution that does nothing to deal with the underlying disease.

In closing, the problem must be addressed for the sake of the people of Puerto Rico. While there is a significant amount of responsibility on the shoulders of the government on the island, we cannot ignore that crisis here either. We, too, have a responsibility to our follow Americans who live on the island of Puerto Rico to tackle this issue with the same urgency and the same attention we would if this fiscal crisis were confronting one of our 50 States.

I hope we will take up this calling and act. I again congratulate the leadership in the House for trying to do something. We hope they will continue that work to arrive at something that can pass there. But I think it is important for us to take up the cause here as well.

For over a century, Puerto Ricans have contributed to our economy, enriched our culture, and nobly sacrificed in our wars. Puerto Ricans are Americans. They deserve better than indifferent leadership in Washington and atrocious Big Government mismanagement in San Juan. Puerto Rico's leaders must answer the challenge, but by taking some of the steps outlined here, leaders in Washington can and must do their part as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY READINESS

Mr. MCCAIN. Mr. President, last week a story appeared on FOX News that captured a glimpse of the real damage being done to our military by years of senseless budget cuts known to many of us here as sequestration. I don't think there are 100 Americans who know what the word ''sequestration'' means. What it means is senseless budget cuts that have emasculated our military and dramatically harmed our ability to defend this Nation. This poses a risk to the lives of the men and women who are serving our Nation in uniform.

In a story entitled ''Budget cuts leaving Marine Corps aircraft grounded,'' senior marine officers warn FOX News that the ''[Marine] Corps' aviation service is being stretched to the breaking point.''

I quote from the story:

Today, the vast majority of Marine Corps aircraft can't fly. . . . Out of 276 F/A–18 Hornet strike fighters in the Marine Corps inventory, only about 30 percent are ready to fly. Similarly only 42 of 147 heavy-lift CH–53E Super Stallion helicopters are airworthy.

In short, Marine Corps aviation is in a crisis and being left grounded. What is the cause of this crisis? According to dozens of marines interviewed by FOX News:

The reason behind the grounding of these aircraft includes the toll of the long wars in Afghanistan and Iraq, the fight against ISIS, and budget cuts—

For example, sequestration—

precluding the purchase of the parts needed to fix an aging fleet.

The report goes on to say:

U.S. military spending declined from $691 billion to $560 billion in 2015.

So, as the world has become more dangerous, as conflict has spread throughout the world, the cuts have taken place in an unscheduled, unplanned, and unorchestrated operation.

The cuts came just as the planes are returning from 15 years of war, suffering from overuse and extreme wear and tear. . . . Lack of funds has forced the Marines to go outside the normal supply chain to procure desperately needed parts. Cannibalization, or taking parts from one multi-million dollar aircraft to get other multi-million dollar aircraft airborne, has become the norm.

One marine likened the difficult job of maintaining this aircraft to ''taking a 1995 Cadillac and trying to make it a Ferrari.''

This job is only more difficult because 30,000 marines have been cut from the force as a result of sequestration and its misguided budget cuts. As Maj. Michael Malone put it:

We don't have enough Marines to do the added work efficiently. We're making it a lot harder on the young Marines who are fixing our aircraft.

Lt. Col. Matthew Brown added that this burden ''is coming on the backs of our young Marines. . . . They are the ones who are working 20 to 21 hours a day to get them ready to go on deployment.''

The Commandant of the Marine Corps, Gen. Robert Neller said, ''we don't have enough airplanes that we could call 'ready basic aircraft,' '' and that aviation readiness is his No. 1 concern. It is no wonder, because this readiness crisis is literally putting the lives of our marines at risk.

Lt. Col. Harry Thomas commands a squadron of Marine Corps F/A–18s. He told FOX News that last year he deployed to the Pacific with 10 jets, but only 7 made it. His own jet caught on fire in Guam. Lieutenant Colonel Thomas was able to land the aircraft safely, but the incident nearly cost taxpayers $29 million and Lieutenant Colonel Thomas his life. Now his squadron is getting ready to deploy in 3 months, but only 2 of his 14 Hornets can fly.

The aircraft shortage also means training is suffering and our pilots could be losing their edge. As the FOX News report details:

Ten years ago, Marine pilots averaged between 25 and 30 hours in the air each month. Today, in Lieutenant Colonel Thomas's squadron, the average flight time per pilot over the last month was just over 4 hours.''

I assure my colleagues, you cannot maintain readiness and capability in a modern-day fighter aircraft flying 4 hours a month. It can't be done.

Super Stallion helicopters have flown thousands of marines into combat over the past three decades, but these aging aircraft, filled with a tangled web of hundreds of wires and fuel lines, present a daunting challenge for young marines assigned to inspect each and every one. As the FOX News report explained, ''One failure can be catastrophic, as happened in 2014 when [a Navy version of the aircraft] crashed off the coast of Virginia after a fire engulfed the aircraft due to faulty fuel lines.''

The bottom line is this: Years of budget cuts have left us with a Marine Corps that is too small and has too few aircraft. The aircraft it does have are too old and can barely fly and only by cannibalizing parts from other aircraft. Young marines are being asked to muddle through this crisis with shrinking resources, knowing that if they fail, their comrades flying and riding in those aircraft could pay a fatal price.

The crisis in Marine Corps aviation would be shocking if it were not such a tragically common story throughout each of our military services. Arbitrary budget cuts and sequestration have shrunk the Army by nearly 100,000 soldiers since 2012, bringing the Army to a size that Army Chief of Staff GEN Mark Milley testified has put the Army at ''high military risk.''

These budget-driven reductions were decided before Russia's invasion of Ukraine and the rise of ISIL. As the force has shrunk, readiness has suffered. Just one-third of Army brigade combat teams are ready to deploy and operate decisively. Indeed, just 2—just 2—of the Army's 60 brigade combat teams are at the highest level of combat readiness.

To buy readiness today, as lackluster as it is, the Army is being forced to mortgage its future readiness and capability by reducing end strength and delaying modernization needed to meet future threats.

The result of budget cuts, forced reductions, and declining readiness is clear: In an unforeseen contingency, General Milley testified this month before the Armed Services Committee that the Army ''risks not having ready forces available to provide flexible options to our national leadership . . . and most importantly, [risks] incurring significantly increased U.S. casualties.

I repeat: ''significantly increased U.S. casualties.''

Likewise, by any measure, the Navy's fleet of 272 ships is too small to address critical security challenges. Even with recent shipbuilding increases, the Navy will not achieve its requirement of 308 ships until 2021. There is no plan to meet the bipartisan National Defense Panel's unanimous recommendation for a fleet of 325 to 346 ships.

A shrinking fleet operating at high tempo has forced difficult tradeoffs. For example, the last five carrier strike group deployments have exceeded 8 months. Keeping sailors at sea for 8 months is damaging to morale and will sooner or later affect retention. It takes a toll on sailors, ships, and aircraft.

Unable to continue years of deferred maintenance, the Navy is no longer able to provide constant carrier presence in the Middle East or the Western Pacific.

The Air Force is the oldest and the smallest in its history. The combination of decades of relentless operational tempo and misguided reductions in defense spending in recent years has depleted readiness. Today, less than 50 percent of the Air Force's combat squadrons are ready for full-spectrum operations—well below the Air Force's stated requirement of 80 percent. The Air Force does not anticipate a return to full-spectrum readiness for another decade. In other words, after flying in uncontested skies over the Middle East for more than a quarter of a century, our Air Force is not ready for a high-end fight against a near-peer adversary.

The truth is this: The ongoing war in Afghanistan, the rise of ISIL, Russia's aggression in Europe, and China's assertiveness in the Pacific have all increased the demands imposed upon our servicemembers and their families. But at the same time, the requirements of our military have continued to grow.

For 5 years—5 years now—the Budget Control Act of 2011 has imposed caps on defense spending. Despite periodic relief from those caps, including the Bipartisan Budget Act passed last year, every one of our military services—the Army, the Navy, the Air Force, and, yes, the Marine Corps—remains undersized, unready, and underfunded to meet current and future threats.

Unfortunately, the President's defense budget request for the coming year does little to nothing to address this problem. Instead, it continues down the dangerous path of budgeting based not on what our military needs but on what arbitrary defense spending constraints allow. In order to strictly adhere to the defense spending floor in last year's Bipartisan Budget Act, the Department of Defense cut $17 billion from what it said it needed last year.

Does anybody believe the situation in the world has improved to the point where you can reduce by $17 billion from what we paid last year, what we spent last year? Those are billions of dollars of cuts for things our military needs right now: Army helicopters, Air Force fighters, Navy ships, Marine Corps fighting vehicles, and critical training and maintenance across the services.

The former Chairman of the Joint Chiefs of Staff, GEN Martin Dempsey, described last year's budget as ''the lower ragged edge of manageable risk in our ability to execute the defense strategy.''

One year later, the President of the United States has sent us a budget request that is less in real dollars than last year and $17 billion less than what our military needed and planned for. The military service's unfunded requirements totaled nearly $23 billion for the coming fiscal year alone. Meanwhile, sequestration threatens to return in 2018, taking away another $100 billion from our military through 2021.

I don't know what lies beneath ''the lower ragged edge of manageable risk,'' but this is what I fear it means; that our military is becoming less and less able to deter conflict. If, God forbid, deterrence does fail somewhere and we end up in conflict, our Nation will deploy young Americans into battle without sufficient training or equipment to fight a war that will take longer, be larger, cost more, and ultimately claim more young American lives than it would otherwise would have.

If that comes to pass, who will be responsible, who is responsible for the military's readiness crisis? Who is to blame for the increasing risk to the lives of the men and women who volunteer to serve and defend our Nation? The answer is clear: We are—the White House, Congress, Democrats, and Republicans, every politician who designed, agreed to or went along with the Budget Control Act and the mindless mechanism of sequestration, and every politician who in the past 5 years has failed to realize our mistake or, perhaps having realized it, failed to do anything and everything possible to fix it.

What is worse is the two-faced hypocrisy of it all: Democrats who will say they favor more funding for our military but only if they get dollar-for-dollar increases for their pet domestic programs first and Republicans who say they favor a strong defense, but when it comes time to do the hard work of funding it, are nowhere to be found.

For 5 years, we have been playing politics with funding that our military servicemembers need and deserve. For 5 years, we have been playing a rigged game, where the politicians win and our military loses.

This must all end before it is too late. We cannot continue to avert our eyes and ignore the grave impact budget cuts are having on our military. The warning signs are clear: a marine aircraft that can't fly, pilots who can't train, and young marines trying to hold it all together by stealing parts from one aging airplane to give to another.

The potential consequences are clear. Our Nation could soon find itself in a position where it must either abandon an important national interest or send young Americans into a conflict for which they are not prepared.

This is the reality our soldiers, sailors, airmen, and marines are facing. It is our urgent and solemn task to confront it. This Congress can begin to chart a better course, one that is worthy of the service and sacrifice of those who volunteer to put themselves in harm's way on our behalf.

I am committed to doing everything I can as chairman of the Armed Services Committee to accomplish this task, and I will work with any of my colleagues to find a solution. Despite the odds, I am ever hopeful we can live up to our highest constitutional duty and moral responsibility to provide for the common defense.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I rise to thank the Senator from Arizona for his comments.

One of the advantages of having a full appropriations process is it puts the spotlight on the money we spend. I am asking to put this chart where the Senator from Arizona can see it.

We will be debating 12 appropriations bills hopefully in the next few weeks. This is the first one. It is $37.5 billion. A little more than half of it is defense spending—our weapons, plutonium enrichment, and necessary things for our country—but all of the spending we are talking about in these 12 bills adds up to $1 trillion.

The Federal spending for this year is $4 trillion. The money the distinguished Senator from Arizona, Mr. MCCAIN, was talking about is our defense money. It is down here on this blue line. It is in the trillion dollars. It is nearly half of that. As we look back since 2008, this blue line has stayed level. Over the next 10 years it is projected to rise at about the level of the rate of inflation.

At the same time, this line, which is the $3 trillion line—mandatory spending, entitlements, all that—is going up. After about 10 years, the end result will be that this will go from about 32 percent of our total spending to about 22 percent. What is that going to do to our defense spending?

We have strong speeches made sometimes about let's get the spending under control, but on both sides of the aisle there is not a lot of courage shown when it comes to this red line because this is Medicare, Medicaid, Social Security, entitlements, and other benefits. It is squeezing out not only our national defense but our cancer research and the other things we need to do as a country.

It is important over these next few weeks that we use this as an occasion on both sides of the aisle to recognize what we are doing with money. No one can say this is part of the budget problem. In fact, we have just heard an eloquent speech from the Senator from Arizona, who said we have not spent enough to defend ourselves in an unsafe world. Nobody is doing anything about this.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. ALEXANDER. Of course.

Mr. MCCAIN. Is the interest on the national debt included in that red line?

Mr. ALEXANDER. The answer to the Senator from Arizona is, no, it is not. In fact, if it were, this line would be higher. So it is this line plus the interest on the debt.

Mr. MCCAIN. Obviously, it makes it much more compelling. Obviously, that all would be moved one way or another. Obviously, it is going to go up, but a return to inflation would dramatically increase that red line, would it not?

Mr. ALEXANDER. Yes, it would.

Mr. MCCAIN. I thank the Senator.

Mr. ALEXANDER. I thank the Senator from Arizona.

I have heard there might be an effort to commit our bill back to the committee in order to reduce spending to a lower level. If we do that, someone needs to say which division needs to lose troops, which country do we not want to defend, which airplane do we not want to fly, and which pilot do we not want to train.

We are talking about real decisions, and we are talking about not setting priorities. I don't think most of the American people know that when we talk about the Federal debt, it is not national defense that is driving up the Federal debt. It is in the blue line. It is our unwillingness on both sides of the aisle to confront this.

One statistic that I was reminded of by my colleague the Senator from Tennessee is an American family today—think of an average age couple, 50 years of age, would pay about $140,000 into Medicare. They will get back about $430,000 in Medicare. We can understand how people who pay into Medicare would want to get their Medicare back, but we can also understand how that is not a sustainable program, and I think all of us as Americans can see that.

One of the things I hope we do over the next several weeks is talk honestly about that problem. We are not solving that problem in this debate. We are talking about this $1 trillion. What are we going to do about the other $3 trillion that adds to our $19 trillion debt? Thank you.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. ERNST. Mr. President, my amendment is pretty straightforward.

It eliminates duplicative and wasteful spending. It eliminates $200 million from the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission.

These entities have a mission to provide ''strategic investments'' for economic development, broadband deployment, infrastructure improvements, and housing. You name it; there is funding for it. That is laudable, but there are already several Federal, State, and local programs that fund these types of projects.

What is worse is that a quick look at some of the grants awarded from these entities show questionable choices: Should $100,000 be awarded to the Lake Placid Ski Club to build ski jumps? Should $125,000 be awarded for a Chinese medicine herb growers consortium? Should $250,000 be awarded to a tribe in Maine to build a maple processing facility—after it was awarded about $100,000 from USDA to launch maple syrup ventures? This is through the Federal Government. I don't believe so.

I ask us to support my amendment and stop such duplicative and wasteful spending.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I understand that it is likely that we will shortly be considering Ernst amendment No. 3803, eliminating funding for the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission. I want to talk about the Appalachian Regional Commission. I know a little bit about this.

The western part of my State, known as Mountain Maryland, is a beautiful part of Maryland. I visit there frequently. There are not a lot of people, and it is certainly a hearty life. It is not easy. It is not easy to attract business to the western rural part of Maryland. These people work hard, and they are preserving a way of life in an economy that is critically important to the State of Maryland.

The Appalachian Regional Commission is absolutely essential for the economic growth of western Maryland. The Appalachian region is a region of a proud history, and we have given them a future. The Ernst amendment would take away one of the most important tools towards their future.

Let me just mention a few things about the Appalachian Regional Commission and the projects they fund on an annual basis.

Mr. ALEXANDER. Mr. President, will the Senator yield for a unanimous consent request so we can call the amendments up?

Mr. CARDIN. I am glad to yield to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Maryland.

AMENDMENTS NOS. 3802 AND 3803 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent, on behalf of Senator FEINSTEIN and myself, that the following amendments be called up and reported by number: 3802, Schatz; and 3803, Ernst; further, that at 4:55 p.m. on Wednesday, April 20—today—the Senate vote in relation to the amendments in the order listed and that no second degree amendments be in order to either of the amendments prior to the votes, and that there be 2 minutes, equally divided, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for others, proposes amendments numbered 3802 and 3803 to amendment No. 3801.

The amendments are as follows:

AMENDMENT NO. 3802

(Purpose: To modify funding for certain projects of the Department of Energy)

On page 28, line 16, strike ''$292,669,000'' and insert ''$325,000,000''.

On page 46, between lines 14 and 15, insert the following:

(4) ''Energy Program—Title 17 Innovative Technology Loan Guarantee Program'', $9,500,000.

(5) ''Energy Program—Energy Efficiency and Renewable Energy'', $20,600,000.

(6) ''Energy Program—Nuclear Energy'', $231,000.

(7) ''Energy Program—Strategic Petroleum Reserve'', $150,000.

(8) ''Energy Program—Naval Petroleum and Oil Shale Reserves'', $150,000.

(9) ''Energy Program—Science'', $1,700,000.

AMENDMENT NO. 3803

(Purpose: To eliminate funding for the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, and the Northern Border Regional Commission)

On page 53, strike lines 3 through 12.

Beginning on page 53, strike line 20 and all that follows through page 55, line 8.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maryland for allowing me to interrupt his comments.

Mr. CARDIN. Mr. President, I am glad to see we have the ability to vote on a couple of amendments. I am glad I was able to accommodate and yield the floor. If I might, let me continue.

AMENDMENT NO. 3803

Now that the Ernst amendment is going to be voted on in a few moments, I urge my colleagues to reject that amendment. The Appalachian Regional Commission approves funding for more than 400 projects annually throughout this 13–State region.

As I was saying, the western part of our State—in order for them to be able to have a viable economy, to have a valuable future, they need help on economic opportunities. They need help in improving health care.

The Appalachian Regional Commission has helped the communities of Western Maryland improve health care. The ARC funding was used for the Garrett County Hospital telehealth initiative to enhance community health care.

Just by happenstance, the CEO of Garrett County Hospital was in my office yesterday. That is a hospital located in Oakland, MD. For those who are not familiar with where Oakland, MD, is, it is on the border with West Virginia. It is not too far from Pennsylvania in the western part of Maryland.

People who use the Garrett County Hospital come from West Virginia and they come from Maryland. It provides hospital service in a rural area that otherwise would not be there. But for the type of help they get through the Appalachian Regional Commission, it is difficult to see how they could perform the quality access to affordable health care that is absolutely essential for the economic growth of Mountain Maryland, for the Appalachian region.

Appalachian Regional Commission funding was used for phase III of the last-mile wireless broadband network so that they could have high-speed broadband access in the western part of Maryland. I know the Presiding Officer and my colleagues know that if you don't have broadband, it is difficult to see how you can attract industry. The Appalachian Regional Commission has been critically important in making sure we can effectively provide high-speed access to the western part of our State.

ARC grants have also been used to assess the impacts of energy production and consumption on our economy and the environment. ARC funding was used for the ''Garrett County Marcellus Shale Impact Study,'' which assessed the impact of hydraulic fracturing on the economy and environment of Western Maryland.

ARC has been essential for the development in the Appalachian region. It has worked, and it is continuing to work. I urge my colleagues to make sure this tool continues for the benefit of the people in the Appalachian region—a commitment that we made.

Lastly, let me remind my colleagues of what my friends who are actively engaged in the Appalachian Regional Commission in all of the 13 States tell me. Since 1978, this program—every dollar that has been invested by the Appalachian Regional Commission has leveraged an average of $6.40 from the private sector. It leverages private sector investment in the Appalachian region, which is critically important to the economic growth of the Appalachian region. Otherwise, this is a tough area.

If we are committed to economic growth in this country, I would urge

my colleagues to reject the Ernst amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to support the comments of the distinguished Senator from the State of Maryland. I must say that when I first came to the Senate, I looked at these perhaps with not as full an understanding of them as I have now. But I think the committee supports it, the bill supports it, and the Appropriations Committee supports it. I certainly agree with the Senator and support him.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise to speak on the amendment for 3 minutes, if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I appreciate that.

First of all, I don't think the Senate is going to adopt the Ernst amendment because we authorized—reauthorized this important ARC program just last year on a bipartisan basis in both the House and the Senate.

I want to make this point: This is discretionary spending that is largely under control. This is discretionary spending. It is 2008 projected out to 2026. As you can see, it hardly keeps up with inflation. We have a spending problem in this country, but it is mandatory programs—the red line—not this discretionary line from which comes the Appalachian Regional Commission. I want to make that point. This amendment is targeted at the wrong type of spending.

What do we get out of ARC? My friend from Maryland is exactly right. We leverage private dollars for investments to create jobs. We build infrastructure that creates jobs and supports jobs. We have revolving loan programs that have created 50,000 jobs since 1977 and retained 51,000 jobs.

Let's attack spending. Let's get together and talk about Bowles-Simpson and do what we need to do about the problem that has given us this $19 trillion debt. But for heaven's sake, we have a program that was reauthorized almost unanimously last year that helps people get a job and persuades private industry to contribute to that effort at a 6- or 7-to-1 ratio. We want to keep that type of investment to create jobs for our families.

I will be voting against the Ernst amendment and urge my colleagues to do so.

I yield back.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3802

Mr. SCHATZ. Mr. President, I wish to call up my amendment No. 3802.

The PRESIDING OFFICER. The amendment is pending.

Mr. SCHATZ. I wish to thank the chair and the vice chair of the Energy and Water Appropriations Subcommittee for their great work, and especially their staff, who were instrumental in finding offsets to increase funding for a great, successful, bipartisan program, ARPA-E, which funds research at the cutting edge of clean energy.

This amendment takes unspent money from prior years' appropriations for expired programs. This is an important point. CBO has confirmed that this amendment does not score. This amendment does not score. This amendment uses unspent balances to increase funding for ARPA-E.

I again thank the chair and the vice chair for helping us to find some resources for this very successful program and for cosponsoring this amendment. I ask all of my colleagues for their support.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate Senator SCHATZ. I support and cosponsored the Schatz amendment. He has identified a priority that Senator FEINSTEIN and I already made a priority. It is one of the two parts of the Department of Energy that got any increase in the nondefense area—the Office of Science and this one.

He has worked with us in committee. He has worked with us on the floor. He found an offset so that it is paid for. We are reducing other spending to increase this spending. This is called setting priorities in discretionary spending, which is under control. It is not the part of the budget that creates Federal debt.

We should do more of this energy research, but we should do it by reducing other spending. I would suggest that reducing subsidies to wind power, oil, and gas would be a good way to start.

I ask for a ''yes'' vote on the Schatz amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I heard what our chairman said. I thoroughly support him.

I commend the Senator from Hawaii for seeing this and proposing this amendment. We recommend that it be adopted.

Can we call the vote?

We yield back any time.

Mr. ALEXANDER. We yield back any time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on agreeing to amendment No. 3802.

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The PRESIDING OFFICER (Mr. LEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—70

Alexander	Gardner	Murray
Ayotte	Gillibrand	Nelson
Baldwin	Graham	Perdue
Bennet	Hatch	Peters
Blumenthal	Heinrich	Portman
Blunt	Heitkamp	Reed
Booker	Hirono	Reid
Boozman	Hoeven	Rounds
Boxer	Inhofe	Schatz
Brown	Isakson	Schumer
Cantwell	Johnson	Shaheen
Capito	Kaine	Stabenow
Cardin	King	Sullivan
Cassidy	Kirk	Tester
Coats	Klobuchar	Toomey
Cochran	Leahy	Udall
Collins	Manchin	Vitter
Coons	Markey	Warner
Corker	McCaskill	Warren
Cornyn	Menendez	Whitehouse
Donnelly	Merkley	Wicker
Durbin	Mikulski	Wyden
Feinstein	Murkowski	
Franken	Murphy	

NAYS—26

Barrasso	Grassley	Roberts
Burr	Heller	Rubio
Cotton	Lankford	Sasse
Crapo	Lee	Scott
Daines	McCain	Sessions
Enzi	McConnell	Shelby
Ernst	Moran	Thune
Fischer	Paul	Tillis
Flake	Risch	

NOT VOTING—4

Carper	Cruz
Casey	Sanders

The amendment (No. 3802) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to make an announcement on behalf of Senator FEINSTEIN and myself. This is important. This is scheduling.

Senator FEINSTEIN and I wish to thank all of the Senators on both sides—Senator MCCONNELL, Senator REID—for creating an environment in which we could get so much done. We have more than 80 Senators who have policy that is already a part of this bill. That has happened over the last few weeks. Several amendments have been adopted and accepted. We are voting on two this afternoon.

Tomorrow, we expect to have two votes in the morning and one vote after lunch.

We have a request of Senators. This doesn't always work, but we would like to get an agreement to have all of our amendments in by 1 o'clock tomorrow. If we can do that, we can finish the bill early next week. So if Members can ask their staff and legislative counsel to do that, we would like to do that by consensus as much as possible. That is the old-fashioned way of doing a bill. I would like to set a good example for the other 11 bills that are coming.

So that is the schedule as we look forward. Senator ERNST has the remaining amendment, and there will be no further votes after her vote.

AMENDMENT NO. 3803

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3803, offered by the Senator from Iowa, Mrs. ERNST.

The Senator from Iowa.

Mrs. ERNST. Mr. President, my amendment is straightforward. I am asking for support on amendment No. 3803.

I ask unanimous consent to call up amendment No. 3803.

The PRESIDING OFFICER. The amendment is pending.

The Senator has 1 minute to debate the amendment.

Mrs. ERNST. Thank you, Mr. President.

The amendment is pretty straightforward. What we are doing is eliminating duplicative programs. Many programs exist out there already which will provide for housing needs, for infrastructure needs, many other needs. What we are doing is stating that we shouldn't be providing separate funds for very specific regions and duplicating processes that are found in the Federal Government.

Just a few examples: $100,000 awarded to Lake Placid Ski Club to build ski jumps, $125,000 awarded for Chinese Medicine Herb Growers Consortium, and $250,000 awarded to a tribe in Maine to build a maple-processing facility after it received $100,000 from the USDA to launch Maple Syrup Ventures.

I don't believe this is activity the Federal Government should be engaged in. Again, these are duplicative programs. There are many other programs available out there. So I am asking for the support of my colleagues on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would certainly oppose this amendment. The regional commission is a joint Federal-State economic development effort that includes some of the most economically distressed counties of Maine, New Hampshire, Vermont, and northern New York. For decades, these people have faced tough economic circumstances. These programs have helped.

More importantly, every Federal dollar invested leverages, on average, 2.6 dollars in matching funds in return. New jobs are created. Thousands of jobs are retained. That is how we should be investing our Federal dollars.

We invest in other countries around the world, and we ought to be investing them in our own country and support programs like the Northern Border Regional Commission and not eliminate them.

I hope Senators will oppose this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, as the manager of the bill, I was going to take that time. I ask unanimous consent for 2 minutes and to allow Senator ERNST 2 more minutes to make her point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

The issue is spending. This is discretionary spending. This is an opportunity, as we consider these 12 bills, to consider where the spending problem is. This is discretionary spending. It includes defense, it includes cancer research, it includes roads, it includes locks and dams, and it includes the Appalachian Regional Commission, the Denali Commission, and other commissions that would be defunded by this amendment.

This is not our spending problem. That is $1 trillion we are spending through these 12 bills. We are spending $3 trillion more through mandatory spending and interest on top of that.

We have not been very brave on the Republican side of the aisle or the Democratic side of the aisle on the real spending problem. We have done pretty well on this.

I have said to some of my colleagues that maybe the Senate should turn over to the Appropriations Committee the real spending problem and see if we can make the red spending line like the blue spending line because that is what we have done.

So we have set a priority for projects like sewer improvement in Alabama and planning and development in Mississippi, automotive workforce in Georgia, rural dental in Kentucky. These are all priorities within spending that are under control.

This is not under control. We can't fix that in these 12 weeks, but I hope we pay attention to this difference and sooner or later have the courage to deal with it.

I urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, again, this is $200 million. I would beg to differ that this is not a lot of spending, and $200 million is a lot of money for folks back in Iowa.

Iowa does not have one of these funds. Many other States don't have these same types of funds. This is just an additional way for certain regions to tap into Federal dollars. So there are many programs. As I stated earlier. I have heard folks say this is about jobs. We have workforce investment programs that everyone across the Nation can dive into to provide opportunity for everyone. Everyone needs opportunity, so everyone should be able to tap into these Federal dollars.

Mr. President, $200 million is a lot of Federal spending.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CASPER), the Senator from Pennsylvania (Mr. CASEY), and the Senator from Vermont (Mr. SANDERS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—25

Barrasso	Gardner	Moran
Coats	Grassley	Risch
Cornyn	Heller	Rubio
Crapo	Hoeven	Sasse
Daines	Inhofe	Scott
Enzi	Johnson	Thune
Ernst	Lankford	Toomey
Fischer	Lee	
Flake	McCain	

NAYS—71

Alexander	Gillibrand	Perdue
Ayotte	Graham	Peters
Baldwin	Hatch	Portman
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Reid
Blunt	Hirono	Roberts
Booker	Isakson	Rounds
Boozman	Kaine	Schatz
Boxer	King	Schumer
Brown	Kirk	Sessions
Burr	Klobuchar	Shaheen
Cantwell	Leahy	Shelby
Capito	Manchin	Stabenow
Cardin	Markey	Sullivan
Cassidy	McCaskill	Tester
Cochran	McConnell	Tillis
Collins	Menendez	Udall
Coons	Merkley	Vitter
Corker	Mikulski	Warner
Cotton	Murkowski	Warren
Donnelly	Murphy	Whitehouse
Durbin	Murray	Wicker
Feinstein	Nelson	Wyden
Franken	Paul	

NOT VOTING—4

Carper	Cruz
Casey	Sanders

The amendment (No. 3803) was rejected.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3811 TO AMENDMENT NO. 3801

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the following amendment be called up and reported by number: Hoeven No. 3811; further, that at 11:45 a.m. on Thursday, April 21, the Senate vote on that amendment and that it be subject to a 60-affirmative-vote threshold for adoption; and further, that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mr. HOEVEN, proposes an amendment numbered 3811 to amendment No. 3801.

The amendment is as follows:

(Purpose: To prohibit the use of funds relating to a certain definition)

At the appropriate place in title V, insert the following:

SEC. 5_____. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

Mr. ALEXANDER. Mr. President, I thank Senators for their cooperation today. As I indicated earlier, Senator FEINSTEIN and I have been in touch with every Senate office over the last few weeks, asking for advice, policy, and amendments. Senators have been terrific in getting that to us. For example, there is Senator SCHATZ' amendment. He offered and withdrew it in committee. We worked with him and were able to adopt it once it came to the floor. That is typical of what has happened.

I would judge that about 83 or 84 Senators have contributed policy to this bill. There are really not many more amendments that will be offered. But we will have this one amendment, at least, tomorrow morning at 11:45. Then, the last vote will be at about 2:00 p.m., tomorrow after lunch. There may be other votes before that.

I would ask, as I did earlier, that Senators and their staffs get any other amendments that we do not know about to us by 1 o'clock tomorrow. Then, perhaps we can come to an agreement about how to proceed from there to the end of the bill, maybe even without the necessity of cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I wanted to reassure the Senate and thank Chairman ALEXANDER for making sure that this legislation has $285 million in it for advanced computing. It also includes the Kirk language to ensure that the United States is home to the No. 1 supercomputer in the world.

Today, China has the fastest computer in the world. It is called the Tianhe-2. It is clocked at 33.8 petaflops per second. Computers in the U.S. National Labs should soon topple China. It is a priority issue that I share with Chairman ALEXANDER.

The Titan computer, which is now at Oak Ridge National Laboratory in Tennessee, is ranked at No. 2 in the world. At Argonne National Laboratory in Illinois, we are working on a computer to be upgraded which will soon be No. 1 in the world. It will clock in at 180 petaflops per second. That is 18 times faster than the current computer that is at Argonne called Mira and three times faster than China's top computer today.

With that, supercomputing is essential for American competitiveness in the future. I think it is essential that we pass this legislation to make sure that we are all No. 1 in supercomputing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Illinois for his advocacy of keeping America No. 1 in the world in supercomputers and exascale computing. He has a special knowledge of that because of his intimate knowledge of Argonne National Laboratory in Illinois. I know something about it because of the work at the Oak Ridge National Laboratory in Tennessee.

The Obama administration has consistently funded exascale and supercomputing, and we have consistently supported that recommendation of funding. We have been able to do that for the last 4 or 5 years, Senator FEINSTEIN and I. There has been no more vigorous advocate to cause our country to be No. 1 in supercomputing than Senator KIRK of Illinois. I thank him for his leadership and his contributions to this bill.

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 134th time to urge the Senate to wake up to the growing threat of global climate change. I am afraid my chart here is getting a little bit beat up after all of these speeches. I hope we can begin to make progress.

But we continue here in this body to be besieged by persistent and meretricious denial. Of course, the polluters want us to do nothing. They are so happy to offload to everybody else the costs of the harm from fossil fuels: the cost of heat waves, the cost of sea level rise, the cost of ocean acidification, the cost of dying forests, and the rest of it. They are running a very profitable ''we keep the profits, you bear the costs'' racket. They spend rivers of money on lobbying and on politics and on a complex PR machine that fills the airwaves with sound bites of cooked-up, paid-for doubt about climate change.

I believe the worst of them actually know better, but they do it any way. In this turbulence, the Wall Street Journal editorial page regularly sides with the rightwing climate denial operations. So, naturally, they have challenged my call for an appropriate inquiry into whether the fossil fuel industry's decades long and purposeful campaign of misinformation has run afoul of Federal civil racketeering laws.

Now, it is very hard for them to argue that the fossil fuel industry should be exempt from fraud laws. It is very hard for them to argue that the tobacco lawsuit years ago was ill funded, although certainly they tried right up until the government won the case. So they turn, instead, to invention. The Wall Street Journal repeatedly and falsely has accused me of seeking to punish anyone who rejects the scientific evidence of climate change. That is, of course, a crock. I never said anything close to that, but that does not stop them.

In fact, this line of counterattacks fits the Journal's playbook for defending polluting industries. The Wall Street Journal's editorial page has a record on acid rain, on the ozone layer, and now on climate change. There is a pattern. They deny the science, they question the motives of those who call for change, and they exaggerate the costs of taking action.

At all costs, they protect the polluting industry. When the Journal is wrong, as they have repeatedly been proven to be, they keep at it, over and over. In the 1970s, scientists first warned that chlorofluorocarbons could erode the ozone layer of the Earth's stratosphere, and that would increase human exposure to cancer-causing ultraviolet rays.

The Wall Street Journal editorial page doggedly fought back against the science, questioning it, and attacking any regulation of the CFCs.

In at least eight editorials between 1976 and 1992, the Wall Street Journal proclaimed that the connection between CFCs and ozone depletion ''is only a theory and will remain only that until further efforts are made to test its validity in the atmosphere itself.'' They called the scientific evidence ''scanty'' and ''premature,'' suggested that the ozone layer ''may even be increasing,'' insinuated that ''it is simply not clear to us that real science drives policy in this area,'' and warned of ''a dramatic increase in air-conditioning and refrigeration costs,'' with ''some $1.52 billion in foregone profits and product-change expenses'' as well as 8,700 jobs lost. Those are all actual quotes from the ed page.

Well, back then Americans listened to the science. Congress acted, the ozone layer and the public's health were protected, and the economy prospered. All those terrible costs that the Journal predicted, according to the EPA's 1999 progress report, ''Every dollar invested in ozone protection provide[d] $20 of societal health benefits in the United States''—$1 spent, $20 saved.

When scientists began reporting that acid rain was falling across our Northeastern States, out came the Wall Street Journal again saying the ''data are not conclusive and more studies are needed''; arguing that ''nature, not industry, is the primary source of acid rain''; claiming ''the scientific case for acid rain is dying''; and charging that ''politics, not nature, is the primary force driving the theory's biggest boosters.''

Again, those are all actual quotes, even as President Reagan's own scientific panel said that inaction would risk ''irreversible damage,'' which brings us to the Wall Street Journal on climate change.

In June 1993, they claimed ''growing evidence that global warming just isn't happening.''

September 1999, they reported that ''serious scientists'' call global warming ''one of the greatest hoaxes of all time.''

June 2005, they asserted that the link between fossil fuels and global warming had ''become even more doubtful.''

February 2010, they said: ''We think the science is still disputable.''

June 2011, they called global warming a ''fad-scare.''

December 2011, an editorial said that the global warming debate requires ''more definitive evidence.''

As recently as last January, the page called extreme weather ''business as usual,'' while still erroneously clinging to the ''hiatus'' argument.

Just this week they published an editorial that any link people have talked about between climate change and national security threats—something we hear from our armed services, from our intelligence services—that all is ''silliness,'' to use the word of the author they quoted.

The polluter playbook also produced the usual Journal warnings about costs, that ''a high CO_2 tax would reduce world GDP a staggering 12.9 percent in 2100—the equivalent of $40 trillion a year,'' making ''the world poorer than it otherwise would be''; about motivations, that this was all really motivated by what they called ''political actors'' seeking to gain economic control; and about the science, claiming that ''global service temperatures have remained essentially flat.''

This is my particular favorite. A December 2009 Wall Street Journal claimed that climate scientists were suspect because they ''have been on the receiving end of climate change-related funding,'' the Journal continues ''so all of them must believe in the reality (and catastrophic imminence) of global warming just as a priest must believe in the existence of God.''

Set aside their suggestion that funding is why priests believe in God. Look at what they are saying about scientific funding.

If the Wall Street Journal can make it a conflict of interest for scientists to be on the receiving end of scientific funding related to their field of inquiry, that covers virtually all science. That would make virtually all science not discovered by accident a conflict of interest. That is a great trick, because if science itself is a conflict of interest, that neatly moots the real conflict of interest of the masquerade talk-show science produced by the polluting industry's PR machinery. And there is such machinery, according to numerous investigative books, journalists' reporting, and academic studies.

Look at the academic work of Professor Robert Brulle of Drexel University, Professor Riley Dunlap of Oklahoma State University, and Justin Farrell of Yale University, among others.

Look at the investigative works of Naomi Oreskes and Erik Conway in their book ''Merchants of Doubt'' or David Michaels' book ''Doubt is their Product'' and Gerald Markowitz and David Rosner's book ''Deceit and Denial.'' Look at Jeff Nesbit's new book ''Poison Tea.''

Look at the journalistic work of Neela Banerjee, Lisa Song, David Hasemyer, and John Cushman, Jr., in InsideClimate News, which is evidently now shortlisted for a Pulitzer Prize looking at what ExxonMobil knew about climate change versus the things that it chose to tell the public. Look at the parallel probe by the Energy and Environment Fellowship Project at the Columbia Journalism School, published in the Los Angeles Times, which brings us to the Journal's question: ''Why even raise the possibility of RICO suits—and suggest it to the Justice Department—if Mr. WHITEHOUSE's goal isn't to punish those who disagree with him on climate?''

One reason is that a RICO suit was won by the U.S. Department of Justice under the Clinton and Bush administrations against the tobacco industry. So there is this little matter of this being the law. The Journal never seems to mention the fact that the government won the civil case against the tobacco industry.

Before the RICO lawsuit was won by the Department of Justice, the Wall Street Journal editorial page had worked it over pretty well, calling it ''abuse,'' ''hypocrisy,'' and ''a shakedown.'' So I understand that they don't like that fact, but it is now a fact that the Department won that case.

A second reason is that if there is indeed a core of deliberate fraud at the heart of the climate denial enterprise, no industry should be too big to dodge the legal consequences. Most of the writers I mentioned noted themselves similarities between the tobacco fraud scheme and the climate denial operation—as has Sharon Eubanks, the lawyer who won the tobacco lawsuit for the Department of Justice—and, so it seems, have now more than a dozen State attorneys general who are looking at Big Oil and coal for misleading statements, which leads me to my last point.

Note the breadth of the Wall Street Journal editorial page's language that I want to ''punish those who disagree with [me] on climate,'' but that is just false. As the RICO case itself shows—the tobacco RICO case that is the model we would like to have the Department look at—people who disagree with me on climate change would no more be the targets of such an investigation than smokers or people who disagreed with the Surgeon General about tobacco's dangers were targets of the tobacco case. Those folks may very well have been victims of the tobacco industry's fraud. They may be the dupes.

For the record, fraud investigations focus on those who lie, knowing that they are lying, intending to fool others and doing it for gain, for money. Even fossil fuel companies should not be too big to answer for that conduct if it were proven in court.

Why would the Wall Street Journal editorial page and other rightwing editorialists be trying to saddle me with an argument I am not making? Well, one obvious reason would be because they don't have a good response to the one I am making. Let's say, if they were operating as a shill for the industry here and emitting industry propaganda, they would be providing their industry clients a very valuable service of misdirection. Like squid ink released to create a helpful distraction, an imaginary argument to quarrel with gives them an advantage. As I said, it is going to be tough to convince people that the fossil industry should be too big to sue, no matter what they did or that it should deserve different rules under the law than the tobacco industry.

If you are going to lose those arguments, you have to make another one, and they invented that I want to jail people—including contrarian scientists and skeptics.

This is not rational argument. This is not the kind of rational, fact-based argument that a court would demand. It is defensive behavior on behalf of a creature that feels itself threatened and desperately wants to avoid that fair courtroom forum, a forum where the evidence matters, where the truth is required, and where the industry doesn't get to put in the fix.

Everybody should know I take climate change very seriously. Rhode Island is the Ocean State. Just this week we had major news stories in our statewide paper about drowning sea coast marshes, endangered historic buildings, and ocean fisheries in upheaval, all from climate change. This is the first one.

''Drowning marshes: Buying time against the tide, they pour sand in an uphill fight.''

As the climate warms, causing the ice caps to melt, currents to slow and ocean waters to expand, sea levels are rising at a rate that could eventually wipe out many of Rhode Island's salt marshes.

Just days later:

''Newport sees the firsthand threat of climate change.''

But the confluence of rising seas and more extreme storms caused by climate change could present an insurmountable challenge for those trying to protect this and thousands of other historical structures near the coast.

Then, finally:

''Is commercial fishing sustainable? An industry at crossroads.''

John Bullard, regional administrator with NOAA's Northeast Regional Office, said that he believes commercial fishing can be sustainable but a number of issues, including climate change, need attention for that to happen.

I represent a State whose fishing industry depends on doing something about climate change, whose historic buildings are at risk of being flooded and lost by the insurmountable problem of climate change, and whose salt marshes, which are very important to our State, are rising at a rate that could eventually wipe them out.

Am I supposed to ignore that? Am I supposed to ignore this? It is not going to happen.

I am proud to stand with our leading research institutions and scientists around the country, our national security experts, corporations such as Apple, Google, Mars, and National Grid. I am proud to stand with President Obama and Pope Francis, who both agree about the seriousness of climate change.

If the polluter machine wants to score more ink, so be it. I cannot stop them, but I am not going anywhere. My State is in the crosshairs. This is one of those fights worth having.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

ATVM LOAN PROGRAM AMENDMENT

Mrs. FISCHER. Mr. President, I am thankful the Senate is taking up the appropriations bills. The appropriations process is the only way citizens can truly hold their elected representatives accountable. It also allows the American people to see just what the priorities are for the Senate.

Through my votes upon appropriations bills, I have to decide which government programs to prioritize and which government programs need to be cut. These are tough choices, but Nebraskans sent me to Washington to make these hard decisions.

Again, I am hopeful that the Senate is taking up these bills and that we can make important spending decisions on behalf of the American people. That is why I am proud to join Senators COATS, TOOMEY, and FLAKE to submit an amendment that targets what I see is overspending in the Energy and Water appropriations bill.

This amendment would wind down the Department of Energy's troubled Advanced Technology Vehicles Manufacturing Loan Program. The ATVM Program was designed to provide loans for businesses that produce fuel-efficient, advanced-technology vehicles and components in the United States. The program was created in 2007. In 2009, Congress appropriated $7.5 billion in subsidies to cover $25 billion in loans authorized under that program.

Unfortunately, as Senator COATS and Senator TOOMEY have pointed out, this program has struggled for many years. The record speaks for itself. Take Fisker Automotive as an example. In April of 2010, Fisker received a loan through the ATVM program for the purpose of producing two lines of plug-in hybrid vehicles at its plant in Wilmington, DE. In 2011, because Fisker was not meeting its performance targets, the DOE suspended its original loan of $529 million.

Unfortunately, $192 million in taxpayer dollars had already been loaned to the company. Fisker halted operations, and they filed for bankruptcy in November of 2013. The company's ATVM loan was sold at auction for $25 million and the DOE was able to recoup $28 million from an escrow account. However, this loan still resulted in a $139-million loss for taxpayers.

In February of 2014, Fisker's assets were auctioned to a Chinese manufacturer, Wanxiang, through the resulting bankruptcy proceedings. This was one of the many failures resulting from the ATVM Program.

In 2013, a Government Accountability Office report found few auto manufacturers and program applicants willing to participate in the program due to high costs and the limited benefits. As a result, the Secretary of Energy announced a number of changes to the ATVM Program in April of 2014. Not a single new loan has been approved since the announcement of these revisions.

This program is a clear example of waste. It reveals the dangers of allowing our government to pick winners and losers in the private sector. That is why I am here today to join Senators COATS and TOOMEY and FLAKE in offering an amendment that would prohibit new loan applications from being reviewed if they are not submitted by the date of this bill's enactment. Furthermore, our amendment would prohibit any loan credit subsidies after the end of fiscal year 2020. Through these provisions, we can responsibly wind down a very ineffective program.

Our national debt continues to grow, and it now exceeds $19 trillion. According to the March 2016 report of the Congressional Budget Office, annual deficits will exceed $1 trillion in 2022 and every year thereafter. This makes the need for commonsense provisions like ours all the more urgent. We simply cannot afford to continue spending money on programs that are not effective.

I urge my colleagues to vote for this sensible amendment when it is brought up for a vote.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET COMMITTEE COST ESTIMATE—S. 2804

Mr. ENZI. Mr. President, I offer for the RECORD the Budget Committee's cost estimate of S. 2804, the Energy and Water Development Appropriations Act for fiscal year 2017.

The reported measure provides $37.5 billion in discretionary budget authority for fiscal year 2017, which will result in new outlays of $21.9 billion. When outlays from prior-year budget authority are taken into account, nonemergency discretionary outlays for the bill will total $37.6 billion.

The reported bill matches its section 302(b) allocation for budget authority for both the security and nonsecurity categories and is below the 302(b) allocation for outlays by $1 million.

The bill is not subject to any budget points of order.

Mr. President, I ask unanimous consent to have printed in the RECORD the table displaying the Budget Committee scoring of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2804, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2017: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2017, $ millions]

	Budget authority		Outlays	
	Security	Nonsecurity	Total	Total
Senate-reported bill	20,023	17,514	37,537	37,560
Senate 302(b) allocation	20,023	17,514	37,537	37,561
2016 Enacted	18,860	18,325	37,185	37,216
President's request	19,343	17,933	37,276	36,340
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation	0	0	0	−1
2016 Enacted	1,163	−811	352	344

S. 2804, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2017: SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2017, $ millions]

	Budget authority		Outlays	
	Security	Nonsecurity	Total	Total
President's request	680	−419	261	1,220

Note: Details may not add to totals due to rounding.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3714. An act to amend the Small Business Act to allow the Small Business Administration to establish size standards for small agricultural enterprises using the same process for establishing size standards for small business concerns, and for other purposes.

H.R. 4284. An act to require the Administrator of the Small Business Administration to issue regulations providing examples of a failure to comply in good faith with the requirements of prime contractors with respect to subcontracting plans.

H.R. 4325. An act to amend the Small Business Act to modify the anticipated value of certain contracts reserved exclusively for small business concerns.

H.R. 4326. An act to amend the Small Business Act to expand the duties of the Office of Small and Disadvantaged Business Utilization, and for other purposes.

H.R. 4332. An act to amend the Small Business Act to clarify the duties of procurement center representatives with respect to reviewing solicitations for a contract or task order contract.

H.R. 4903. An act to prohibit the use of funds by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

ENROLLED BILLS SIGNED

At 12:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 719. An act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

S. 1638. An act to direct the Secretary of Homeland Security to submit to, Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

ENROLLED BILL SIGNED

At 2:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2722. An act to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3714. An act to amend the Small Business Act to allow the Small Business Administration to establish size standards for small agricultural enterprises using the same process for establishing size standards for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4284. An act to require the Administrator of the Small Business Administration to issue regulations providing examples of a failure to comply in good faith with the requirements of prime contractors with respect to subcontracting plans; to the Committee on Small Business and Entrepreneurship.

H.R. 4325. An act to amend the Small Business Act to modify the anticipated value of certain contracts reserved exclusively for small business concerns; to the Committee on Small Business and Entrepreneurship.

H.R. 4326. An act to amend the Small Business Act to expand the duties of the Office of Small and Disadvantaged Business Utilization, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 4332. An act to amend the Small Business Act to clarify the duties of procurement center representatives with respect to reviewing solicitations for a contract or task order contract; to the Committee on Small Business and Entrepreneurship.

H.R. 4903. An act to prohibit the use of funds by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2666. An act to prohibit the Federal Communications Commission from regulating the rates charged for broadband Internet access service.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 20, 2016, she presented to the President of the United States the following enrolled bills:

S. 719. An act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

S. 1638. An act to direct the Secretary of Homeland Security to submit to Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5158. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year (CY) 2015'' ; to the Committee on Finance.

EC–5159. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report for fiscal year 2015 for the Generic Drug User Fee Amendments; to the Committee on Health, Education, Labor, and Pensions.

EC–5160. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Medical Device User Fee Amendments of 2012 for fiscal year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–5161. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report relative to imported foods for fiscal year 2015; to the Committees on Health, Education, Labor, and Pensions; and Appropriations.

EC–5162. A communication from the Director, Office of Diversity Management and Equal Opportunity, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a compilation of fiscal year 2015 reports from the Department of Defense Components relative to the implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5163. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerances'' (FRL No. 9943–85) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5164. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of seventeen (17) officers authorized to wear the insignia of the grade of major general or brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5165. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program: Update To Address Information for Claims Appeals'' ((RIN1660–AA88) (Docket No. FEMA–2016–0009)) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5166. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (Docket No. FEMA–2016–0002) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5167. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5168. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Hizballah Financial Sanctions Regulations'' (31 CFR Part 566) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5169. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan Revisions; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO2, 2010 SO2, and 2012 PM2.5 National Ambient Air Quality Standards; Montana'' (FRL No. 9945–14–Region 8) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Environment and Public Works.

EC–5170. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Louisiana; Revisions to the State Implementation Plan; Fee Regulations'' (FRL No. 9945–09–Region 6) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Environment and Public Works.

EC–5171. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments Related to: Tier 3 Motor Vehicle Emission and Fuel Standards and 40 CFR Part 80'' (FRL No. 9941–85–OAR) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Environment and Public Works.

EC–5172. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Vermont; Stage I Vapor Recovery Requirements'' (FRL No. 9945–12–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Environment and Public Works.

EC–5173. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Rhode Island; Infrastructure State Implementation Plan Requirements for Particle Matter, Ozone, Lead, Nitrogen Dioxide and Sulfur Dioxide'' (FRL No. 9945–13–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2016; to the Committee on Environment and Public Works.

EC–5174. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Corrective Actions Programs for Fuel Cycle Facilities'' (Regulatory Guide 3.75, Revision 0) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Environment and Public Works.

EC–5175. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Format and Content for a License Application for an Independent Spent Fuel Storage Installation or a Monitored Retrievable Storage Facility'' (Regulatory Guide 3.50, Revision 2) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Environment and Public Works.

EC–5176. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''General Site Suitability for Nuclear Power Stations'' (Regulatory Guide 4.7, Revision 3) received in the Office of the President of the Senate on April 14, 2016; to the Committee on Environment and Public Works.

EC–5177. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''U.S. Assistance for Palestinian Security Forces and Benchmarks for Palestinian Security Assistance Funds'' ; to the Committee on Foreign Relations.

EC–5178. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Demonstrating Improvement in the Maternal, Infant, and Early Childhood Home Visiting Program: A Report to Congress'' ; to the Committee on Health, Education, Labor, and Pensions.

EC–5179. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Generic Drug User Fee Act for fiscal year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–5180. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Generic Drug User Fee Act for fiscal year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–5181. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Feasibility of Mechanisms to Assist Providers in Comparing and Selecting Certified EHR'' ; to the Committee on Health, Education, Labor, and Pensions.

EC–5182. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Debt Collection Recovery Activities of the Department of Justice for Civil Debts Referred for Collection Annual Report for Fiscal Year 2015'' ; to the Committee on the Judiciary.

EC–5183. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting proposed legislation entitled ''Coast Guard Authorization Act for Fiscal Year 2017'' ; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–156. A resolution adopted by the House of Representatives of the State of Michigan memorializing the United States Congress to enact the Retail Investor Act and also to enact legislation that prohibits the United States Department of Labor from amending fiduciary duty regulations to define retirement savings brokers and agents as fiduciaries, including those previously not deemed fiduciaries; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 223

Whereas, With over 10,000 people retiring every day, each year for the next 17 years, it is imperative that future retirees plan, save, and have choices about who they consult for retirement guidance. Financial professionals provide guidance to consumers about their investments, including investments in IRAs, 401(k) accounts, and other assets invested to produce retirement income; and

Whereas, Financial professionals are generally compensated through one of two business models. A majority of transactions fall into the broker-dealer model, in which compensation is paid by the product provider to the broker-dealer and registered representatives, and not by the consumer. In other transactions, the buyer is more financially sophisticated and has significant assets and may prefer to engage an advisor under a fee-based arrangement, paying the advisor directly; and

Whereas, For many, especially those with small- to medium-size accounts, consulting with a trusted professional using the broker-dealer model is more cost efficient, more accessible, and preferable to a fee-based arrangement; and

Whereas, The U.S. Department of Labor has proposed regulations that would define certain professionals operating under the broker-dealer model to be fiduciaries. And if receiving third-party compensation is a violation of the fiduciary standard, the effect will be to force retirement account savers to use a fee-based model or not receive advice; and

Whereas, The Retail Investor Protection Act (H.R. 1090) would prohibit the U.S. Department of Labor from prescribing any regulation pursuant to the Employee Retirement Income Security Act of 1974 that defines the circumstances under which an individual is considered a fiduciary until 60 days after the Securities and Exchange Commission issues a final rule governing standards of conduct for brokers and dealers under specified law. Similar legislation passed the U.S. House on a bipartisan vote in the previous Congress; Now; therefore, be it

Resolved, By the House of Representatives, That we oppose efforts by the United States Department of Labor to place onerous regulatory rules on the broker-dealer community

that will adversely affect low- and middle-income investors' ability to have access to affordable, reliable, retirement advice; and be it further

Resolved, That we memorialize the Congress of the United States to enact the Retail Investor Protection Act and also to enact legislation that prohibits the United States Department of Labor from amending fiduciary duty regulations to define retirement savings brokers and agents as fiduciaries, including those previously not deemed fiduciaries; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Secretary of Labor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARKEY:

S. 2820. A bill to amend the Safe Drinking Water Act to update and modernize the reporting requirements for contaminants, including lead, in drinking water; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Mrs. BOXER, Ms. MIKULSKI, Mr. MARKEY, Ms. STABENOW, Mr. REED, Mr. CASEY, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. PETERS, Mr. MERKLEY, Mr. SANDERS, Mr. MURPHY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. FRANKEN, Mr. DURBIN, Mr. MENENDEZ, Mr. SCHUMER, Mr. BOOKER, Mrs. MURRAY, Mr. WYDEN, Ms. HIRONO, Ms. WARREN, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. LEAHY, and Mr. REID):

S. 2821. A bill to improve drinking water quality and reduce lead exposure in homes, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN (for himself and Mr. BENNET):

S. 2822. A bill to continue the use of a 3-month quarter EHR reporting period for health care providers to demonstrate meaningful use for 2016 under the Medicare and Medicaid EHR incentive payment programs, and for other purposes; to the Committee on Finance.

By Mrs. CAPITO:

S. 2823. A bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself and Mrs. BOXER):

S. 2824. A bill to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms and Explosives Headquarters located at 99 New York Avenue N.E., Washington, D.C., as the ''Ariel Rios Federal Building''; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. KING, Ms. KLOBUCHAR, and Mrs. SHAHEEN):

S. 2825. A bill to amend title 37, United States Code, to require compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. ROUNDS):

S. 2826. A bill to ensure the effective and appropriate use of the Lowest Price Technically Acceptable source selection process; to the Committee on Armed Services.

By Mr. FLAKE:

S. 2827. A bill to amend the Immigration and Nationality Act to provide for an H–2C nonimmigrant classification, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2828. A bill to designate the community-based outpatient clinic of the Department of Veterans Affairs located in The Dalles, Oregon, as the ''Loren R. Kaufman Memorial Veterans' Clinic''; to the Committee on Veterans' Affairs.

By Mrs. FISCHER (for herself and Mr. BOOKER):

S. 2829. A bill to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mr. BOOKER):

S. 2830. A bill to amend the Safe Drinking Water Act to provide for a school and child care lead testing grant program; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. MARKEY, Mr. COONS, Mr. MENENDEZ, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. BROWN):

S. Res. 432. A resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia; to the Committee on Foreign Relations.

By Mr. TILLIS:

S. Res. 433. A resolution recognizing linemen, the profession of linemen, and the contributions of these brave men and women who protect public safety, and expressing support for the designation of April 18, 2016, as ''National Lineman Appreciation Day''; considered and agreed to.

By Ms. STABENOW (for herself and Mr. ISAKSON):

S. Res. 434. A resolution supporting the designation of April 2016 as ''Parkinson's Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 298, supra.

S. 453

At the request of Mr. CASSIDY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 453, a bill to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians.

S. 624

At the request of Mr. BROWN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 757

At the request of Mr. NELSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 757, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1252

At the request of Mr. CASEY, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1252, a bill to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

S. 1383

At the request of Mr. PERDUE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1383, a bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

S. 1500

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1500, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1567

At the request of Mr. PETERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1567, a bill to amend title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge.

S. 1659

At the request of Mr. LEAHY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1659, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

S. 2030

At the request of Mr. BENNET, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2030, a bill to allow the sponsor of an application for the approval of a targeted drug to rely upon data and information with respect to such sponsor's previously approved targeted drugs.

S. 2217

At the request of Mr. BLUNT, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2311

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2487

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2487, a bill to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

S. 2497

At the request of Mr. BLUNT, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2497, a bill to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes.

S. 2502

At the request of Mr. ISAKSON, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2502, a bill to amend the Employee Retirement Income Security Act of 1974 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2505

At the request of Mr. KIRK, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2505, a bill to amend the Internal Revenue Code of 1986 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2540

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2540, a bill to provide access to counsel for unaccompanied children and other vulnerable populations.

S. 2551

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2551, a bill to help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises.

S. 2566

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2566, a bill to amend title 18, United States Code, to provide sexual assault survivors with certain rights, and for other purposes.

S. 2595

At the request of Mr. CRAPO, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2604

At the request of Mr. WARNER, the names of the Senator from Arizona (Mr. FLAKE), the Senator from New Mexico (Mr. HEINRICH), the Senator from Ohio (Mr. PORTMAN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 2604, a bill to establish in the legislative branch the National Commission on Security and Technology Challenges.

S. 2639

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr. MORAN), the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 2639, a bill to direct the Director of the Government Publishing Office to provide members of the public with Internet access to Congressional Research Service reports, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2697

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2697, a bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes.

S. 2707

At the request of Mr. SCOTT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2736

At the request of Ms. HEITKAMP, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 2763

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2763, a bill to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

S. 2794

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2794, a bill to establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

S. 2799

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 2799, a bill to require the Secretary of Health and Human Services to develop a voluntary patient registry to collect data on cancer incidence among firefighters.

S. 2800

At the request of Mr. COONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2817

At the request of Mr. PETERS, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 2817, a bill to improve understanding and forecasting of space weather events, and for other purposes.

S.J. RES. 33

At the request of Mr. ISAKSON, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S.J. Res. 33, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to the definition of the term ''fiduciary'' and the conflict of interest rule with respect to retirement investment advice.

S. CON. RES. 35

At the request of Mr. RUBIO, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from Illinois (Mr. KIRK) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. RES. 368

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 368, a resolution supporting efforts by the Government of Colombia to pursue peace and the end of the country's enduring internal armed conflict and recognizing United States support for Colombia at the 15th anniversary of Plan Colombia.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—SUPPORTING RESPECT FOR HUMAN RIGHTS AND ENCOURAGING INCLUSIVE GOVERNANCE IN ETHIOPIA

Mr. CARDIN (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. MARKEY, Mr. COONS, Mr. MENENDEZ, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 432

Whereas the first pillar of the 2012 United States Strategy Toward Sub-Saharan Africa is to strengthen democratic institutions, and the United States Agency for International Development Democracy, Human Rights, and Governance Strategy states that strong democratic institutions, respect for human rights, and participatory, accountable governance are crucial elements for improving people's lives in a sustainable way;

Whereas the third pillar of the 2012 United States Strategy Toward Sub-Saharan Africa is to advance peace and security, including supporting security sector reform;

Whereas democratic space in Ethiopia has steadily diminished since the general elections of 2005;

Whereas elections were held in 2015 in which the ruling Ethiopian People's Revolutionary Democratic Front claimed 100 percent of parliamentary seats;

Whereas the 2014 Department of State Human Rights Report on Ethiopia cited serious human rights violations, including arbitrary arrests, killings, and torture committed by security forces as well as restrictions on freedom of expression and freedom of association, politically motivated trials, harassment, and intimidation of opposition members and journalists;

Whereas the Government of Ethiopia has repeatedly abused laws such as the 2009 Anti-Terrorism Proclamation to limit press freedom, silence independent journalists, and persecute members of the political opposition;

Whereas laws such as the 2009 Charities and Societies Proclamation have been used to restrict the operation of civil society and nongovernmental organizations in Ethiopia across a range of purposes, particularly those investigating alleged violations of human rights by governmental authorities;

Whereas the case of the ''Zone 9 Bloggers'', whose arrest, detention, and trials on terrorism charges brought international attention to the restrictions on press freedom in Ethiopia, is indicative of the coercive environment in which journalists operate;

Whereas the Ethiopian Human Rights Council reports at least 102 protestor deaths, and according to Human Rights Watch, Ethiopian security forces have killed at least 200 peaceful protestors in the Oromia region, and that number is likely higher;

Whereas state sponsored violence against those exercising their rights to peaceful assembly in Oromia and elsewhere in the country, and the abuse of laws to stifle journalistic freedoms, stand in direct contrast to democratic principles and in violation of Ethiopia's constitution; and

Whereas, during President Barack Obama's historic visit to Addis Ababa in July 2015, Prime Minister Hailemariam Desalegn expressed his government's commitment to deepen the democratic process and work towards the respect of human rights and improving governance, and noted the need to step up efforts to strengthen institutions: Now, therefore be it

Resolved, That the Senate—

(1) condemns—

(A) killings of peaceful protesters and excessive use of force by Ethiopian security forces;

(B) arrest and detention of journalists, students, activists and political leaders who exercise their constitutional rights to freedom of assembly and expression through peaceful protests; and

(C) abuse of the Anti-Terrorism Proclamation to stifle political and civil dissent and journalistic freedoms;

(2) urges protesters in Ethiopia to refrain from violence;

(3) calls on the Government of Ethiopia—

(A) to halt the use of excessive force by security forces;

(B) to conduct a full, credible, and transparent investigation into the killings and instances of excessive use of force that took place as a result of protests in the Oromia region and hold security forces accountable for wrongdoing through public proceedings;

(C) to release dissidents, activists, and journalists who have been jailed, including those arrested for reporting about the protests, for exercising constitutional rights;

(D) to respect the right to freedom of peaceful assembly and guarantee freedom of the press and mass media in keeping with Articles 30 and 29 of the Ethiopian constitution;

(E) to engage in open and transparent consultations relative to its development strategy, especially those strategies that could result in people's displacement from land; and

(F) to repeal proclamations that—

(i) can be used as a political tool to harass or prohibit funding for civil society organizations that investigate human rights violations, engage in peaceful political dissent, or advocate for greater political freedoms; or

(ii) prohibit or otherwise limit those displaced from their land from seeking remedy or redress in courts, or that do not provide a transparent, accessible means to access justice for those displaced;

(4) calls on the Secretary of State to conduct a review of security assistance to Ethiopia in light of recent developments and to improve transparency with respect to the purposes of such assistance to the people of Ethiopia;

(5) calls on the Administrator of the United States Agency for International Development to immediately lead efforts to develop a comprehensive strategy to support improved democracy and governance in Ethiopia;

(6) calls on the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, to improve oversight and accountability of United States assistance to Ethiopia pursuant to expectations established in the President's 2012 Strategy Toward Sub-Saharan Africa; and

(7) stands by the people of Ethiopia, and supports their peaceful efforts to increase democratic space and to exercise the rights guaranteed by the Ethiopian constitution.

SENATE RESOLUTION 433—RECOGNIZING LINEMEN, THE PROFESSION OF LINEMEN, AND THE CONTRIBUTIONS OF THESE BRAVE MEN AND WOMEN WHO PROTECT PUBLIC SAFETY, AND EXPRESSING SUPPORT FOR THE DESIGNATION OF APRIL 18, 2016, AS ''NATIONAL LINEMAN APPRECIATION DAY''

Mr. TILLIS submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas the profession of linemen is steeped in personal, family, and professional tradition;

Whereas linemen are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes;

Whereas linemen must work high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing;

Whereas linemen play a vital role in the economy of the United States by maintaining and growing the energy infrastructure of the United States;

Whereas linemen must often work under dangerous conditions while separated from their families to keep schools and businesses open;

Whereas linemen put their lives on the line every day with little recognition from the community regarding the danger of their work; and

Whereas April 18, 2016 would be an appropriate date to designate as ''National Lineman Appreciation Day'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the efforts of linemen in keeping the power on and protecting public safety; and

(2) supports the designation of ''National Lineman Appreciation Day''.

SENATE RESOLUTION 434—SUPPORTING THE DESIGNATION OF APRIL 2016 AS ''PARKINSON'S AWARENESS MONTH''

Ms. STABENOW (for herself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 434

Whereas Parkinson's disease is a chronic, progressive neurological disease and is the second most common neurodegenerative disease in the United States;

Whereas there is inadequate data on the incidence and prevalence of Parkinson's disease, but the disease affects an estimated 500,000 to 1,500,000 individuals in the United States;

Whereas according to the Centers for Disease Control and Prevention, Parkinson's disease is the 14th leading cause of death in the United States;

Whereas every day Parkinson's disease greatly impacts millions of individuals in the United States who are caregivers, family members, and friends of individuals with Parkinson's disease;

Whereas the economic burden of Parkinson's disease is an estimated $14,400,000,000 each year, including indirect costs to patients and family members of $6,300,000,000 each year;

Whereas although research suggests that the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease remains unknown;

Whereas an objective test or biomarker for diagnosing Parkinson's disease does not exist;

Whereas a cure or drug to slow or halt the progression of Parkinson's disease does not exist;

Whereas the symptoms of Parkinson's disease vary from person to person and include tremors, slowness of movement, rigidity, difficulty with balance, swallowing, chewing, and speaking, cognitive impairment, dementia, mood disorders, and a variety of other nonmotor symptoms;

Whereas volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life for individuals with Parkinson's disease and the families of those individuals; and

Whereas developing more effective treatments for Parkinson's disease and providing access to quality care to individuals with Parkinson's disease requires increased research, education, and community support services: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2016 as ''Parkinson's Awareness Month'';

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to develop more effective treatments for Parkinson's disease and to ultimately find a cure for the disease;

(4) recognizes the individuals with Parkinson's disease who participate in vital clinical trials to advance the knowledge of the disease; and

(5) commends the dedication of organizations, volunteers, researchers, and millions of individuals in the United States working to improve the quality of life for individuals with Parkinson's disease and the families of those individuals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3801. Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

SA 3802. Mr. SCHATZ (for himself, Mr. ALEXANDER, Mrs. FEINSTEIN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra.

SA 3803. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra.

SA 3804. Mr. ALEXANDER proposed an amendment to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra.

SA 3805. Mr. REID (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3806. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3807. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3808. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3809. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3810. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3811. Mr. HOEVEN (for himself, Mrs. ERNST, Mr. RUBIO, Mr. BARRASSO, Mr. MANCHIN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra.

SA 3812. Mr. MERKLEY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3813. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3814. Mr. COATS (for himself, Mrs. FISCHER, Mr. FLAKE, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3815. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3816. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3817. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3818. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3819. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3820. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3821. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3822. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3823. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3824. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3825. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3826. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3827. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself

and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3828. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3829. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3830. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3831. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3832. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3833. Mr. FRANKEN (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3834. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3835. Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. ROUNDS, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R . 2028, supra; which was ordered to lie on the table.

SA 3836. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 3837. Mrs. FISCHER (for Mr. CASEY) proposed an amendment to the bill S. 1252, to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

TEXT OF AMENDMENTS

SA 3801. Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, design work, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects, and related efforts; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $126,522,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related projects authorized by law; for conducting detailed studies, design work, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,813,649,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $368,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, and aquatic ecosystem restoration projects, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,173,829,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Army Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas managed by the Army Corps of Engineers at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $103,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $30,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the Army Corps of Engineers headquarters and the division offices; and for costs allocable to the civil works program of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $180,000,000, to remain available until September 30, 2018, of which not more than $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund such activities in the Army Corps of Engineers headquarters and division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2018.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

(e) The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the report of the Committee on Appropriations accompanying this Act, including the determination and designation of new starts.

(f) None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 102. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers civil works projects.

SEC. 103. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2017, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms ''fill material'' or ''discharge of fill material'' for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 104. None of the funds provided in this act may be used for open lake disposal of dredged sediment in Lake Erie unless such disposal meets water and environmental standards agreed to by the administrator of a State's water permitting agency and is consistent with a State's Coastal Zone Management Plan. If this standard is not met, the Corps of Engineers will maintain its long-standing funding obligations for upland placement of dredged material with cost sharing as specified in section 101 of the Water Resources Development Act of 1986, Public Law 99–662, as amended by section 201 of the Water Resources Development Act of 1196, Public Law 104–303 (33 U.S.C. 2211) and section 217(d) of the Water Resources Development Act of 1996, Public Law 104–303, as amended by section 2005 of the Water Resources Development Act of 2007, Public Law 110–300 (33 U.S.C. 2326a(d)).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $10,000,000, to remain available until expended, of which $1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,114,394,000, to remain available until expended, of which $158,841,000 shall be available for additional funding for work and are authorized to be used consistent with activities described in the Commissioner's transmittal to Congress dated February 8, 2016; $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity unless the program, project or activity has received no appropriated funding for at least five fiscal years;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111–85, is amended by striking ''2017'' each place it appears and inserting ''2019''.

SEC. 204. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking ''$350,000,000'' and inserting ''$400,000,000''.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,073,000,000, to remain available until expended: *Provided*, That of such amount, $153,500,000 shall be available until September 30, 2018, for program direction.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $206,000,000, to remain available until expended: *Provided*, That of such amount, $28,500,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of no more than three emergency service vehicles for replacement only, $1,057,903,000, to remain available until expended: *Provided*, That of such amount, the Secretary of Energy may obligate up to $10,000,000 under existing authorities, for contracting for the management of used nuclear fuel to which the Secretary holds the title or has a contract to accept title: *Provided further*, That of such amount, $80,000,000 shall be available until September 30, 2018, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $632,000,000, to remain available until expended: *Provided*, That of the amount made available under this heading in this Act, $60,000,000 shall be available until September 30, 2018, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $200,000,000, to remain available until expended. *Provided*, That as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74), the Secretary of the Department of Energy shall drawdown and sell not to exceed $375,400,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2017: *Provided further*, That the proceeds from such drawdown and sale shall be

deposited into the Energy Security and Infrastructure Modernization Fund during fiscal year 2017 and shall remain available until expended for necessary expenses in carrying out construction, operations, maintenance, repair, and replacement activities of the Strategic Petroleum Reserve.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $255,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $717,741,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $30,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,400,000,000, to remain available until expended: *Provided*, That of such amount, $191,500,000 shall be available until September 30, 2018, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $292,669,000, to remain available until expended: *Provided*, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.

OFFICE OF INDIAN ENERGY

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $20,000,000, to remain available until expended: *Provided*, That, of the amount appropriated under this heading, $4,800,000 shall be available until September 30, 2018, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, $37,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2018: *Provided further*, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than $37,000,000: *Provided further*, That fees collected pursuant to such section 1702(h) for fiscal year 2017 shall be credited as offsetting collections under this heading and shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $232,142,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $129,142,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,424,000, to remain available until September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $9,285,147,000, to remain available until expended: *Provided*, That of such amount, $106,600,000 shall be available until September 30, 2018, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,821,916,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,351,520,000, to remain available until expended: *Provided*, That of such amount, $47,100,000 shall be available until September 30, 2018, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $408,603,000, to remain available until September 30, 2018, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck, one aerial lift truck, one refuse truck, and one semi-truck for replacement only, $5,379,018,000, to remain available until expended: *Provided*, That of such amount $290,050,000 shall be available until September 30, 2018, for program direction.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $717,741,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility

acquisition, construction, or expansion, $791,552,000, to remain available until expended: *Provided*, That of such amount, $258,061,000 shall be available until September 30, 2018, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2017, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $11,057,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $307,144,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $299,742,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $211,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $95,581,000, of which $88,179,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $232,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2017, the Administrator of the Western Area Power Administration may accept up to $323,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $346,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing

each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the ''Final Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. (a) Unobligated balances available from appropriations are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', $50,400,000.

(2) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation'', $14,000,000.

(3) ''Energy Program—Fossil Energy Research and Development'', $240,000,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(5) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—

(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—

(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility; and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary shall conduct 1 or more public hearings in the vicinity of each potential site and in at least 1 other location within the State in which the site is located to solicit public comments and recommendations.

(h) USE OF NUCLEAR WASTE FUND.—The Secretary may make expenditures from the Nuclear Waste Fund to carry out this section, subject to appropriations.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $151,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That, notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $10,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $939,000,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2018, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $822,240,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $5,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and $5,000,000 of that amount shall not be available from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $116,760,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,129,000, to remain available until September 30, 2018: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $2,085,000: *Provided further*, That of the amounts appropriated under this heading, $969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be expended as directed in the report accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2017''.

SA 3802. Mr. SCHATZ (for himself, Mr. ALEXANDER, Mrs. FEINSTEIN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 28, line 16, strike ''$292,669,000'' and insert ''$325,000,000''.

On page 46, between lines 14 and 15, insert the following:

(4) ''Energy Program—Title 17 Innovative Technology Loan Guarantee Program'', $9,500,000.

(5) ''Energy Program—Energy Efficiency and Renewable Energy'', $20,600,000.

(6) ''Energy Program—Nuclear Energy'', $231,000.

(7) ''Energy Program—Strategic Petroleum Reserve'', $150,000.

(8) ''Energy Program—Naval Petroleum and Oil Shale Reserves'', $150,000.

(9) ''Energy Program—Science'', $1,700,000.

SA 3803. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 53, strike lines 3 through 12.

Beginning on page 53, strike line 20 and all that follows through page 55, line 8.

SA 3804. Mr. ALEXANDER proposed an amendment to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

Beginning on page 55, line 23, strike ''*Provided*'' and all that follows through page 56, line 13, and insert the following: ''*Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $823,114,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $5,000,000 shall be available for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and $5,000,000 of that amount shall not be available for fee revenues, notwithstanding section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214): *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $115,886,000.''.

SA 3805. Mr. REID (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In section 204, strike ''and inserting '$400,000,000' '' and insert ''and inserting '$450,000,000, on the condition that of that amount, $50,000,000 is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)' ''.

SA 3806. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the general provisions of title I, add the following:

SEC. _____. None of the funds made available by this Act may be used by the Corps of Engineers to implement the Dredged Material Management Plan for Long Island Sound.

SA 3807. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 4____. None of the amounts made available by this title for the Nuclear Regulatory Commission may be used to issue any draft or final rule that would provide to any nuclear power plant carrying out decommissioning activities an automatic or permanent exemption from any requirement relating to emergency preparedness.

SA 3808. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1____. Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3), by inserting ''in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project'' after ''community''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or of a community that is located in the region to be served by the project and that will rely on the project'' after ''community'';

(B) in paragraph (4), by striking ''local population'' and inserting ''regional population to be served by the project''; and

(C) in paragraph (5), by striking ''community'' and inserting ''local community or to a community that is located in the region to be served by the project and that will rely on the project''.

SA 3809. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5____. Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

SA 3810. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NO BUDGET, NO PAY.

(a) SHORT TITLE.—This section may be cited as the ''No Budget, No Pay Act''.

(b) DEFINITION.—In this section, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

(c) TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

(d) NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e).

(2) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e), at any time after the end of that period.

(e) DETERMINATIONS.—

(1) SENATE.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under clause (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Senators may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Secretary of the Senate.

(2) HOUSE OF REPRESENTATIVES.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under clauses (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Members of the House of Representatives may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Chief Administrative Officer of the House of Representatives.

(f) EFFECTIVE DATE.—This section shall take effect on February 1, 2017.

SA 3811. Mr. HOEVEN (for himself, Mrs. ERNST, Mr. RUBIO, Mr. BARRASSO, Mr. MANCHIN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

SA 3812. Mr. MERKLEY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 15, strike the period at the end and insert the following: ''*: Provided further*, That of such amount, $95,400,000 shall be available for wind energy.''.

SA 3813. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1____. None of the funds made available by this title may be used for any acquisition that is not consistent with section 225.7007 of title 48, Code of Federal Regulations.

SA 3814. Mr. COATS (for himself, Mrs. FISCHER, Mr. FLAKE, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 9, strike the period at the end and insert the following: ''*: Provided*, That none of the funds made available under this heading shall be used to administer, review, or approve any loan or loan application that was not submitted as of the date of enactment of this Act: *Provided further*, that none of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.''.

SA 3815. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In section 204, strike ''and inserting '$400,000,000' '' and insert ''and inserting '$400,000,000, on the condition that of that amount, $50,000,000 is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235), except that none of that $50,000,000 shall be used to carry out any project that creates Colorado River System water that could be released or delivered in the same calendar year during which the project is carried out' ''.

SA 3816. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert the following: ''*: Provided further*, That of the amounts provided herein, the Commissioner of the Bureau of Reclamation shall use such amounts as are necessary to conduct a study on the feasibility of the Bureau of Reclamation or a water user group taking over management of 1 or more irrigation projects managed by the Bureau of Indian Affairs on the date of enactment of this Act.''.

SA 3817. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, strike ''$151,000,000'' and insert ''$120,000,000''.

On page 54, line 1, strike ''$25,000,000'' and insert ''$15,936,000''.

On page 55, line 4, strike ''$10,000,000'' and insert ''$5,000,000''.

SA 3818. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1____. No funding shall be made available under this Act for any river or harbor, flood or storm damage reduction, shore protection, aquatic ecosystem restoration, or other similar project, as determined by the Chief of Engineers—

(1) with respect to which each non-Federal sponsor and each affected Member of Congress states there exists no interest or support for continuing the project; or

(2) that has been suspended for an indefinite period (including any project for which a non-Federal sponsor fails to provide the non-Federal cost-share or for which the applicable tax base is insufficient), subject to the condition that such a project may be reclassified as an active project at a later date.

SA 3819. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 10, strike ''$1,114,394,000'' and insert ''$1,070,553,000''.

SA 3820. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 11, strike ''$1,813,649,000'' and insert ''$1,744,699,000''.

SA 3821. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, after line 5, add the following:

SEC. 105. Notwithstanding any other provision of this title, the amount made available under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS–CIVIL'' under the heading ''CORPS OF ENGINEERS–CIVIL DEPARTMENT OF THE ARMY'' in this title shall be $1,803,649,000.

SEC. 106. None of the funds made available by this title may be used for beach nourishment or beach renourishment.

SA 3822. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available by this Act may be used to facilitate the development or management of training and workforce development programs (other than the joint Solar Ready Vets program of the Department of Energy and the Department of Defense) that assist and support workers in trades and activities required for the continued growth of the United States energy efficiency and clean energy sectors.

SA 3823. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 7, strike ''$15,000,000'' and insert ''$0''.

SA 3824. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 22, strike the period at the end and insert the following: '': *Provided further*, That of the funds provided herein, the Secretary of the Army shall use $12,000,000 to fund all or a portion of the costs to review or revise operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for any Corps of Engineers project, non-Federal project regulated for flood control by the Secretary of the Army, or Bureau of Reclamation facilities regulated for flood control by the Secretary of the Army.''.

SA 3825. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 12 through 18.

SA 3826. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 21 and all that follows through page 25, line 11.

SA 3827. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 23, strike line 16 and all that follows through page 24, line 2.

SA 3828. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike lines 4 through 15.

SA 3829. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. None of the funds made available by this title or any other Act may be used by the Director of the National Park Service or the Director of the Bureau of Indian Affairs to purchase or lease additional vehicles for the National Park Service or the Bureau of Indian Affairs, respectively, until the date on which the Director of the National Park Service or the Director of the Bureau of Indian Affairs, as applicable, certifies that the applicable agency has taken corrective action to address each leased vehicle of the applicable agency that has not—

(1) met the utilization criteria of the applicable agency; or

(2) passed the justification process of the applicable agency.

SA 3830. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF FISH AND WILDLIFE.

(a) IN GENERAL.—None of the funds made available by this Act shall be available for activities relating to section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) if the Secretary of the Army does not ensure evaluation of and mitigation for impacts to fish and wildlife resources consistent with recommendations developed by the Director of the United States Fish and Wildlife Service, the Secretary of the Interior, and the States pursuant to section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. 662), including recommendations to properly evaluate impacts and avoid adverse impacts to fish and wildlife resources.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary of the Army shall not select a recommended alternative for a water resources project if the Director of the United States Fish and Wildlife Service concludes that the impacts of that alternative cannot be successfully mitigated.

(2) MITIGATION.—The mitigation requirements under this section shall be in addition to any other mitigation measures required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) and any other applicable Federal or State law (including regulations).

SA 3831. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LOW-IMPACT, COST-EFFECTIVE PLANNING.

(a) DEFINITION OF NONSTRUCTURAL MEASURE.—In this section:

(1) IN GENERAL.—The term ''nonstructural measure'' means an action that, without using a structural measure—

(A) uses, enhances, facilitates, protects, or restores naturally occurring hydrologic, geomorphic, and ecological functions and processes; and

(B) protects or restores the physical, chemical, or biological characteristics of a stream, river, floodplain, wetland, or coast.

(2) INCLUSIONS.—The term ''nonstructural measure'' includes—

(A) acquisition of land or an easement;

(B) relocation, demolition, or elevation of a flood-prone property;

(C) removal of a structure such as a dam, levee, or culvert, or modification of the structures to restore a natural hydrology, form, function, or process of a river, stream, floodplain, wetland, or coast;

(D) reestablishment of a natural hydrology, form, function, or process of a river, stream, floodplain, wetland, or coast;

(E) a living shoreline;

(F) a measure to increase water conservation, increase water efficiency, or improve water management;

(G) a building or construction requirement or standard;

(H) a land use restriction or limitation; and

(I) removal of a nonnative species or reintroduction of a native species.

(b) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds made available by this Act shall be available for a water resources

project for which, in formulating and evaluating a water resources project in a feasibility study, environmental review, or pursuant to section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary of the Army did not select and recommend nonstructural measures to address all or a portion of a water resources project wherever those nonstructural measures are practicable.

(2) EXCEPTION.—Paragraph (1) shall not apply to a water resources project if the Secretary of the Army issues a written finding stating that it is not in the Federal interest to use nonstructural measures for the project.

(c) PRESUMPTION.—A nonstructural measure shall be presumed to be available and practicable unless clearly demonstrated otherwise.

(d) REQUIREMENT.—A nonstructural measure recommended under this section shall be cost-effective, as determined pursuant to section 904(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2281(b)).

SA 3832. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used for an emergency project under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), if the Secretary of the Army does not consider nonstructural alternatives (including natural or nature-based solutions) for the project where available and practicable and in consultation with a non-Federal sponsor.

SA 3833. Mr. FRANKEN (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, between lines 2 and 3, insert the following:

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For the cost of loan guarantees provided under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), $8,500,000, to remain available until expended: *Provided*, That the cost of those loan guarantees (including the costs of modifying loans, as applicable) shall be determined in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That, for necessary administrative expenses to carry out that program, $500,000 is appropriated, to remain available until expended: *Provided further*, That, of the subsidy amounts provided by section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 126), for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), $9,000,000 is permanently canceled.

SA 3834. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. (a) The Secretary of the Interior, in coordination with the Secretary of the Army and the Secretary of Agriculture, shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impact of salt cedar control efforts (including biological control) in increasing water supplies, restoring riparian habitat, and improving flood management.

(b) Not later than 1 year after the date of completion of the study under subsection (a), the Secretary of the Interior, in coordination with the Secretary of Agriculture, shall prepare a plan for the removal of salt cedar from all Federal land in the Lower Colorado River basin that includes—

(1) provisions for revegetating Federal land with native vegetation;

(2) provisions for adapting to the increasing presence of biological control in the Lower Colorado River basin;

(3) provisions for removing salt cedar from Federal land during post-wildfire recovery activities;

(4) strategies for developing partnerships with State, tribal, and local governmental entities in the eradication of salt cedar; and

(5) budget estimates and completion timelines for the implementation of plan elements.

SA 3835. Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. ROUNDS, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. None of the funds made available by this title may be used to carry out any prioritization criteria of the Bureau of Reclamation for use in developing budget requests and allocating funding for ongoing work for rural water projects that does not include the consideration of the non-Federal resources, including those above the non-Federal cost share, committed to the project.

SA 3836. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3801 proposed by Mr. ALEXANDER (for himself and Mrs. FEINSTEIN) to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

EXTENSION OF TIME FOR CERTAIN FEDERAL ENERGY REGULATORY COMMISSION PROJECTS

SEC. 3____. (a) GIBSON DAM.—(1) IN GENERAL.—Notwithstanding the requirements of section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478–003, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for a 6-year period that begins on the date described in paragraph (2).

(2) DATE DESCRIBED.—The date described in this paragraph is the date of the expiration of the extension of the period required for commencement of construction for the project described in paragraph (1) that was issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(3) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in paragraph (2) has expired before the date of enactment of this Act—

(A) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(B) the first extension authorized under paragraph (1) shall take effect on that expiration date.

(b) CLARK CANYON DAM.—Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Commission project numbered 12429, the Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of project works for the 3-year period beginning on the date of enactment of this Act.

SA 3837. Mrs. FISCHER (for Mr. CASEY) proposed an amendment to the bill S. 1252, to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes; as follows:

On page 23, line 20, strike ''security''.

On page 24, beginning on line 23, strike ''align'' and all that follows through ''science'' on line 25 and insert ''demonstrably meet, align with and leverage broader United States strategies and investments in trade, economic growth, national security, science''.

On page 33, line 24, strike ''producers; and'' and insert ''producers;''.

On page 34, line 6, strike ''8(b)(4).'' and insert ''8(b)(4); and''.

On page 34, between lines 6 and 7, insert the following:

(17) demonstrably support the United States national security and economic interest in the countries where assistance is being provided.

Beginning on page 40, strike line 16 and all that follows through page 44, line 18, and insert the following:

SEC. 8. REPORTS.

(a) GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.—Not later than 1 year and 2 years after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees reports that describe the status of the implementation of the Global Food Security Strategy for 2017 and 2018, which shall—

(1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and small-scale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders;

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities;

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(b) GLOBAL FOOD SECURITY CROSSCUT REPORT.—Not later than 120 days after the President submits the budget to Congress under section 1105(a) of title 31, United States Code, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report including—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the principal Federal agencies that carries out global food security activities in the upcoming fiscal year, separately reporting the amount of planned funding to be provided under existing laws pertaining to the global food security strategy to the extent available; and

(B) to the extent available, identifies all assistance and research expenditures at the account level in each of the five prior fiscal years by the Federal Government and United States multilateral commitments using Federal funds for global food security strategy activities;

(2) to the extent available, a detailed accounting of all assistance funding received and obligated by the principal Federal agencies identified in the report and United States multilateral commitments using Federal funds, for global food security activities during the current fiscal year; and

(3) a breakout of the proposed budget for the current and budget years by agency, categorizing expenditures by type of funding, including research, resiliency, and other food security activities to the extent that such information is available.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsections (a) and (b) shall be made available on the public website of the United States Agency for International Development in an open, machine readable format, in a timely manner.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON OTHER PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out programs specified in subsection (b), in the manner provided, and subject to the terms and conditions, of those programs, including, but not limited to, the terms, conditions, and requirements relating to the procurement and transportation of food assistance furnished pursuant to such programs.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

(7) Any other food and nutrition security and emergency and non-emergency food assistance program of the Department of Agriculture.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 20, 2016, at 10 a.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''The State of the U.S. Maritime Industry: Stakeholder Perspectives.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 20, 2016, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a Subcommittee hearing entitled ''New Approaches and Innovative Technologies to Improve Water Supply.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 20, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 20, 2016, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 20, 2016, at 10 a.m., to conduct a hearing entitled ''The Administrative State: An Examination of Federal Rulemaking.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 20, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 20, 2016, at 2:15 p.m. in room SR–301 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized

to meet during the session of the Senate on April 20, 2016, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on April 20, 2016, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Tim Dykstra, a detailee for the Energy and Water Development Subcommittee, have full floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my Corps of Engineers fellow, Jen Armstrong, and my Department of Energy fellow, John Rivard, be granted floor privileges through the remainder of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 495; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

ARMY

The following named officer for appointment as the Chief of Engineers/Commanding General, United States Army Corps of Engineers, and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. Todd T. Semonite

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

GLOBAL FOOD SECURITY ACT OF 2015

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 393, S. 1252, and that the Casey amendment be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; and that the bill, as amended, be read a third time and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1252) to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Food Security Act of 2016''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations (referred to in this section as the ''FAO''), 805,000,000 people worldwide suffer from chronic hunger. Hunger and malnutrition rob people of health and productive lives and stunt the mental and physical development of future generations.

(2) According to the January 2014 ''Worldwide Threat Assessment of the US Intelligence Community''—

(A) the ''[l]ack of adequate food will be a destabilizing factor in countries important to US national security that do not have the financial or technical abilities to solve their internal food security problems''; and

(B) ''[f]ood and nutrition insecurity in weakly governed countries might also provide opportunities for insurgent groups to capitalize on poor conditions, exploit international food aid, and discredit governments for their inability to address basic needs''.

(3) A comprehensive approach to sustainable food and nutrition security should not only respond to emergency food shortages, but should also address malnutrition, resilience to food and nutrition insecurity, building the capacity of poor, rural populations to improve their agricultural productivity and incomes, removing institutional impediments to agricultural development, value chain access and efficiency, including processing and storage, enhancing agribusiness development, access to markets and activities that address the specific needs and barriers facing women and small-scale producers, education, and collaborative research.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

(a) STATEMENT OF POLICY OBJECTIVES.—It is in the national security interest of the United States to promote global food security, resilience, and nutrition, consistent with national food security investment plans, which is reinforced through programs, activities, and initiatives that—

(1) place food insecure countries on a path toward self-sufficiency and economic freedom through the coordination of United States foreign assistance programs;

(2) accelerate inclusive, agricultural-led economic growth that reduces global poverty, hunger, and malnutrition, particularly among women and children;

(3) increase the productivity, incomes, and livelihoods of small-scale producers, especially women, by working across agricultural value chains, enhancing local capacity to manage agricultural resources effectively and expanding producer access to local and international markets;

(4) build resilience to food shocks among vulnerable populations and households while reducing reliance upon emergency food assistance;

(5) create an enabling environment for agricultural growth and investment, including through the promotion of secure and transparent property rights;

(6) improve the nutritional status of women and children, with a focus on reducing child stunting, including through the promotion of highly nutritious foods, diet diversification, and nutritional behaviors that improve maternal and child health;

(7) align with and leverage broader United States strategies and investments in trade, economic growth, science and technology, agriculture research and extension, maternal and child health, nutrition, and water, sanitation, and hygiene;

(8) continue to strengthen partnerships between United States-based universities, including land-grant colleges, and universities and institutions in target countries and communities that build agricultural capacity; and

(9) ensure the effective use of United States taxpayer dollars to further these objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President, in providing assistance to implement the Global Food Security Strategy, should—

(1) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the Global Food Security Strategy;

(2) seek to fully utilize the unique capabilities of each relevant Federal department and agency while collaborating with and leveraging the contributions of other key stakeholders; and

(3) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) FEED THE FUTURE INNOVATION LABS.—The term ''Feed the Future Innovation Labs'' means research partnerships led by United States universities that advance solutions to reduce global hunger, poverty, and malnutrition.

(3) FOOD AND NUTRITION SECURITY.—The term ''food and nutrition security'' means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(4) GLOBAL FOOD SECURITY STRATEGY.—The term ''Global Food Security Strategy'' means the strategy developed and implemented pursuant to section 5(a).

(5) KEY STAKEHOLDERS.—The term ''key stakeholders'' means actors engaged in efforts to advance global food security programs and objectives, including—

(A) relevant Federal departments and agencies;

(B) national and local governments in target countries;

(C) other bilateral donors;

(D) international and regional organizations;

(E) international, regional, and local financial institutions;

(F) international, regional, and local private voluntary, nongovernmental, faith-based, and civil society organizations;

(G) the private sector, including agribusinesses and relevant commodities groups;

(H) agricultural producers, including farmer organizations, cooperatives, small-scale producers, and women; and

(I) agricultural research and academic institutions, including land-grant universities and extension services.

(6) MALNUTRITION.—The term ''malnutrition'' means poor nutritional status caused by nutritional deficiency or excess.

(7) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means the United States Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of State, the Department of the Treasury, the Millennium Challenge Corporation, the Overseas Private Investment Corporation, the Peace Corps, the Office of the United States Trade Representative, the United States African Development Foundation, the United States Geological Survey, and any other department or agency specified by the President for purposes of this section.

(8) RESILIENCE.—The term ''resilience'' means the ability of people, households, communities, countries, and systems to mitigate, adapt to, and recover from shocks and stresses to food security in a manner that reduces chronic vulnerability and facilitates inclusive growth.

(9) SMALL-SCALE PRODUCER.—The term ''small-scale producer'' means farmers, pastoralists, foresters, and fishers that have a low asset base and limited resources, including land, capital, skills and labor, and, in the case of farmers, typically farm on fewer than 5 hectares of land.

(10) STUNTING.—The term ''stunting'' refers to a condition that—

(A) is measured by a height-to-age ratio that is more than 2 standard deviations below the median for the population;

(B) manifests in children who are younger than 2 years of age;

(C) is a process that can continue in children after they reach 2 years of age, resulting in an individual being ''stunted'';

(D) is a sign of chronic malnutrition; and

(E) can lead to long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.

(11) SUSTAINABLE.—The term ''sustainable'' means the ability of a target country, community, implementing partner, or intended beneficiary to maintain, over time, the programs authorized and outcomes achieved pursuant to this Act.

(12) TARGET COUNTRY.—The term ''target country'' means a developing country that is selected to participate in agriculture and nutrition security programs under the Global Food Security Strategy pursuant to the selection criteria described in section 5(a)(2), including criteria such as the potential for agriculture-led economic growth, government commitment to agricultural investment and policy reform, opportunities for partnerships and regional synergies, the level of need, and resource availability.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—The President shall coordinate the development and implementation of a United States whole-of-government strategy to accomplish the policy objectives set forth in section 3(a), which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, food and nutrition security, and agriculture-led economic growth, consistent with the policy objectives described in section 3(a);

(2) establish clear and transparent selection criteria for target countries, communities, regions, and intended beneficiaries of assistance;

(3) describe the methodology and criteria for the selection of target countries;

(4) support and be aligned with country-owned agriculture, nutrition, and food security policy and investment plans developed with input from key stakeholders, as appropriate;

(5) support inclusive agricultural value chain development, with small-scale producers, especially women, gaining greater access to the inputs, skills, resource management capacity, networking, bargaining power, financing, and market linkages needed to sustain their long-term economic prosperity;

(6) support improvement of the nutritional status of women and children, particularly during the critical first 1,000-day window until a child reaches 2 years of age and with a focus on reducing child stunting, through nutrition-specific and nutrition-sensitive programs, including related water, sanitation, and hygiene programs;

(7) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to food and nutrition security, to include analysis of the multiple underlying causes of malnutrition, including lack of access to safe drinking water, sanitation, and hygiene;

(8) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(9) integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to build safety nets, secure livelihoods, access markets, and access opportunities for longer-term economic growth;

(10) develop community and producer resilience to natural disasters, emergencies, and natural occurrences that adversely impact agricultural yield;

(11) harness science, technology, and innovation, including the research and extension activities supported by relevant Federal Departments and agencies and Feed the Future Innovation Labs, or any successor entities;

(12) integrate agricultural development activities among food insecure populations living in proximity to designated national parks or wildlife areas into wildlife conservation efforts, as necessary and appropriate;

(13) leverage resources and expertise through partnerships with the private sector, farm organizations, cooperatives, civil society, faith-based organizations, and agricultural research and academic institutions;

(14) strengthen and expand collaboration between United States universities, including public, private, and land-grant universities, with higher education institutions in target countries to increase their effectiveness and relevance to promote agricultural development and innovation through the creation of human capital, innovation, and cutting edge science in the agricultural sector;

(15) seek to ensure that target countries and communities respect and promote land tenure rights of local communities, particularly those of women and small-scale producers; and

(16) include criteria and methodologies for graduating target countries and communities from assistance provided to implement the Global Food Security Strategy as such countries and communities meet the progress benchmarks identified pursuant to section 8(b)(4).

(b) COORDINATION.—The President shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the Global Food Security Strategy by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies;

(2) establishing linkages with other initiatives and strategies of relevant Federal departments and agencies; and

(3) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than October 1, 2016, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the Global Food Security Strategy required under this section, including a detailed description of how the United States intends to advance the objectives set forth in section 3(a) and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The Global Food Security Strategy shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the Global Food Security Strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.

(a) FOOD SHORTAGES.—The President is authorized to carry out activities pursuant to section 103, section 103A, title XII of chapter 2 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151a–1, 2220a et seq., and 2346 et seq.) to prevent or address food shortages notwithstanding any other provision of law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development $1,000,600,000 for each of fiscal years 2017 and 2018 to carry out those portions of the Global Food Security Strategy that relate to the Department of State and the United States Agency for International Development, respectively.

(c) MONITORING AND EVALUATION.—The President shall seek to ensure that assistance to implement the Global Food Security Strategy is provided under established parameters for a rigorous accountability system to monitor and evaluate progress and impact of the strategy, including by reporting to the appropriate congressional committees and the public on an annual basis.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the crisis in Syria, which is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, forced displacement, aerial bombardment, ethnic and religious persecution, torture, kidnapping, rape and sexual enslavement, has triggered one of the most profound humanitarian crises of this century and poses a direct threat to regional security and the national security interests of the United States;

(2) it is in the national security interests of the United States to respond to the needs of displaced Syrian persons and the communities hosting such persons, including with food assistance; and

(3) after four years of conflict in Syria and the onset of other major humanitarian emergencies where, like Syria, the provision of certain United States humanitarian assistance has been particularly challenging, including the

2013 super-typhoon in the Philippines, the 2014 outbreak of Ebola in west Africa, the 2015 earthquake in Nepal, ongoing humanitarian disasters in Yemen and South Sudan, and the threat of a major El Nino event in 2016, United States international disaster assistance has become severely stressed.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, in coordination with other donors, regional governments, international organizations, and international financial institutions, to fully leverage, enhance, and expand the impact and reach of available United States humanitarian resources, including for food assistance, to mitigate the effects of manmade and natural disasters by utilizing innovative new approaches to delivering aid that support affected persons and the communities hosting them, build resilience and early recovery, and reduce opportunities for waste, fraud, and abuse.

(c) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) EMERGENCY FOOD SECURITY PROGRAM.—

''(1) IN GENERAL.—Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to make available emergency food assistance, including in the form of funds, transfers, vouchers, and agricultural commodities (including products derived from agricultural commodities) acquired through local or regional procurement, to meet emergency food needs arising from manmade and natural disasters.

''(2) DESIGNATION.—Funds made available under this subsection shall be known as the 'International Disaster Assistance – Emergency Food Security Program'.''.

(2) Section 492 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended—

(A) in subsection (a), by striking ''$25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987.'' and inserting ''$2,794,184,000 for each of fiscal years 2017 and 2018, of which up to $1,257,382,000 should be made available to carry out section 491(c).''; and

(B) by inserting after subsection (b) the following new subsections:

''(c) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—Amounts authorized to be appropriated pursuant to the authorizations of appropriations under section 491(c) are in addition to funds otherwise available for such purposes.

''(d) FLEXIBILITY.—

''(1) UNITED STATES POLICY.—It is the policy of the United States that the funds made available to carry out section 491 are intended to provide the President with the greatest possible flexibility to address disaster-related needs as they arise and to prepare for and reduce the impact of natural and man-made disasters.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that any amendments to applicable legal provisions contained in this Act are not intended to limit such authorities.

''(e) REPORT.—Not later than March 1 of each fiscal year, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that describes the activities undertaken by the President over the course of the prior fiscal year pursuant to section 491(c), including the amounts of assistance provided, intended beneficiaries, monitoring and evaluation strategies, anticipated outcomes, and, as practicable, actual outcomes.''.

SEC. 8. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees a report that describes the status of the implementation of the Global Food Security Strategy.

(b) CONTENT.—The report required under subsection (a) shall—

(1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and smallscale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders;

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities;

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsection (b) shall be made available on the public website of the United States Agency for International Development in an open, machine readable format, in a timely manner.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON FOOD AND NUTRITION SECURITY AND EMERGENCY AND NONEMERGENCY FOOD ASSISTANCE PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out food and nutrition security and emergency and nonemergency food assistance programs specified in subparagraph (b), in the manner provided, and subject to the terms and conditions, of those programs.

(b) PROGRAMS DESCRIBED.—The food and nutrition security and emergency and nonemergency food assistance programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) .

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3837) was agreed to, as follows:

(Purpose: To improve the bill)

On page 23, line 20, strike ''security''.

On page 24, beginning on line 23, strike ''align'' and all that follows through ''science'' on line 25 and insert ''demonstrably meet, align with and leverage broader United States strategies and investments in trade, economic growth, national security, science''.

On page 33, line 24, strike ''producers; and'' and insert ''producers;''.

On page 34, line 6, strike ''8(b)(4).'' and insert ''8(b)(4); and''.

On page 34, between lines 6 and 7, insert the following:

(17) demonstrably support the United States national security and economic interest in the countries where assistance is being provided.

Beginning on page 40, strike line 16 and all that follows through page 44, line 18, and insert the following:

SEC. 8. REPORTS.

(a) GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.—Not later than 1 year and 2 years after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees reports that describe the status of the implementation of the Global Food Security Strategy for 2017 and 2018, which shall—

(1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and

agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and small-scale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders;

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities;

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(b) GLOBAL FOOD SECURITY CROSSCUT REPORT.—Not later than 120 days after the President submits the budget to Congress under section 1105(a) of title 31, United States Code, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report including—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the principal Federal agencies that carries out global food security activities in the upcoming fiscal year, separately reporting the amount of planned funding to be provided under existing laws pertaining to the global food security strategy to the extent available; and

(B) to the extent available, identifies all assistance and research expenditures at the account level in each of the five prior fiscal years by the Federal Government and United States multilateral commitments using Federal funds for global food security strategy activities;

(2) to the extent available, a detailed accounting of all assistance funding received and obligated by the principal Federal agencies identified in the report and United States multilateral commitments using Federal funds, for global food security activities during the current fiscal year; and

(3) a breakout of the proposed budget for the current and budget years by agency, categorizing expenditures by type of funding, including research, resiliency, and other food security activities to the extent that such information is available.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsections (a) and (b) shall be made available on the public website of the United States Agency for International Development in an open, machine readable format, in a timely manner.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON OTHER PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out programs specified in subsection (b), in the manner provided, and subject to the terms and conditions, of those programs, including, but not limited to, the terms, conditions, and requirements relating to the procurement and transportation of food assistance furnished pursuant to such programs.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

(7) Any other food and nutrition security and emergency and non-emergency food assistance program of the Department of Agriculture.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

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

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 1252), as amended, was passed, as follows:

S. 1252

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Food Security Act of 2016''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations (referred to in this section as the ''FAO''), 805,000,000 people worldwide suffer from chronic hunger. Hunger and malnutrition rob people of health and productive lives and stunt the mental and physical development of future generations.

(2) According to the January 2014 ''Worldwide Threat Assessment of the US Intelligence Community''—

(A) the ''[l]ack of adequate food will be a destabilizing factor in countries important to US national security that do not have the financial or technical abilities to solve their internal food security problems''; and

(B) ''[f]ood and nutrition insecurity in weakly governed countries might also provide opportunities for insurgent groups to capitalize on poor conditions, exploit international food aid, and discredit governments for their inability to address basic needs''.

(3) A comprehensive approach to sustainable food and nutrition security should not only respond to emergency food shortages, but should also address malnutrition, resilience to food and nutrition insecurity, building the capacity of poor, rural populations to improve their agricultural productivity and incomes, removing institutional impediments to agricultural development, value chain access and efficiency, including processing and storage, enhancing agribusiness development, access to markets and activities that address the specific needs and barriers facing women and small-scale producers, education, and collaborative research.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

(a) STATEMENT OF POLICY OBJECTIVES.—It is in the national interest of the United States to promote global food security, resilience, and nutrition, consistent with national food security investment plans, which is reinforced through programs, activities, and initiatives that—

(1) place food insecure countries on a path toward self-sufficiency and economic freedom through the coordination of United States foreign assistance programs;

(2) accelerate inclusive, agricultural-led economic growth that reduces global poverty, hunger, and malnutrition, particularly among women and children;

(3) increase the productivity, incomes, and livelihoods of small-scale producers, especially women, by working across agricultural value chains, enhancing local capacity to manage agricultural resources effectively and expanding producer access to local and international markets;

(4) build resilience to food shocks among vulnerable populations and households while reducing reliance upon emergency food assistance;

(5) create an enabling environment for agricultural growth and investment, including through the promotion of secure and transparent property rights;

(6) improve the nutritional status of women and children, with a focus on reducing child stunting, including through the promotion of highly nutritious foods, diet diversification, and nutritional behaviors that improve maternal and child health;

(7) demonstrably meet, align with and leverage broader United States strategies and investments in trade, economic growth, national security, science and technology, agriculture research and extension, maternal and child health, nutrition, and water, sanitation, and hygiene;

(8) continue to strengthen partnerships between United States-based universities, including land-grant colleges, and universities and institutions in target countries and communities that build agricultural capacity; and

(9) ensure the effective use of United States taxpayer dollars to further these objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President, in providing assistance to implement the Global Food Security Strategy, should—

(1) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the Global Food Security Strategy;

(2) seek to fully utilize the unique capabilities of each relevant Federal department and agency while collaborating with and leveraging the contributions of other key stakeholders; and

(3) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) FEED THE FUTURE INNOVATION LABS.—The term ''Feed the Future Innovation Labs'' means research partnerships led by United States universities that advance solutions to reduce global hunger, poverty, and malnutrition.

(3) FOOD AND NUTRITION SECURITY.—The term ''food and nutrition security'' means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(4) GLOBAL FOOD SECURITY STRATEGY.—The term ''Global Food Security Strategy'' means the strategy developed and implemented pursuant to section 5(a).

(5) KEY STAKEHOLDERS.—The term ''key stakeholders'' means actors engaged in efforts to advance global food security programs and objectives, including—

(A) relevant Federal departments and agencies;

(B) national and local governments in target countries;

(C) other bilateral donors;

(D) international and regional organizations;

(E) international, regional, and local financial institutions;

(F) international, regional, and local private voluntary, nongovernmental, faith-based, and civil society organizations;

(G) the private sector, including agribusinesses and relevant commodities groups;

(H) agricultural producers, including farmer organizations, cooperatives, small-scale producers, and women; and

(I) agricultural research and academic institutions, including land-grant universities and extension services.

(6) MALNUTRITION.—The term ''malnutrition'' means poor nutritional status caused by nutritional deficiency or excess.

(7) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means the United States Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of State, the Department of the Treasury, the Millennium Challenge Corporation, the Overseas Private Investment Corporation, the Peace Corps, the Office of the United States Trade Representative, the United States African Development Foundation, the United States Geological Survey, and any other department or agency specified by the President for purposes of this section.

(8) RESILIENCE.—The term ''resilience'' means the ability of people, households, communities, countries, and systems to mitigate, adapt to, and recover from shocks and stresses to food security in a manner that reduces chronic vulnerability and facilitates inclusive growth.

(9) SMALL-SCALE PRODUCER.—The term ''small-scale producer'' means farmers, pastoralists, foresters, and fishers that have a low asset base and limited resources, including land, capital, skills and labor, and, in the case of farmers, typically farm on fewer than 5 hectares of land.

(10) STUNTING.—The term ''stunting'' refers to a condition that—

(A) is measured by a height-to-age ratio that is more than 2 standard deviations below the median for the population;

(B) manifests in children who are younger than 2 years of age;

(C) is a process that can continue in children after they reach 2 years of age, resulting in an individual being ''stunted'';

(D) is a sign of chronic malnutrition; and

(E) can lead to long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.

(11) SUSTAINABLE.—The term ''sustainable'' means the ability of a target country, community, implementing partner, or intended beneficiary to maintain, over time, the programs authorized and outcomes achieved pursuant to this Act.

(12) TARGET COUNTRY.—The term ''target country'' means a developing country that is selected to participate in agriculture and nutrition security programs under the Global Food Security Strategy pursuant to the selection criteria described in section 5(a)(2), including criteria such as the potential for agriculture-led economic growth, government commitment to agricultural investment and policy reform, opportunities for partnerships and regional synergies, the level of need, and resource availability.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—The President shall coordinate the development and implementation of a United States whole-of-government strategy to accomplish the policy objectives set forth in section 3(a), which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, food and nutrition security, and agriculture-led economic growth, consistent with the policy objectives described in section 3(a);

(2) establish clear and transparent selection criteria for target countries, communities, regions, and intended beneficiaries of assistance;

(3) describe the methodology and criteria for the selection of target countries;

(4) support and be aligned with country-owned agriculture, nutrition, and food security policy and investment plans developed with input from key stakeholders, as appropriate;

(5) support inclusive agricultural value chain development, with small-scale producers, especially women, gaining greater access to the inputs, skills, resource management capacity, networking, bargaining power, financing, and market linkages needed to sustain their long-term economic prosperity;

(6) support improvement of the nutritional status of women and children, particularly during the critical first 1,000-day window until a child reaches 2 years of age and with a focus on reducing child stunting, through nutrition-specific and nutrition-sensitive programs, including related water, sanitation, and hygiene programs;

(7) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to food and nutrition security, to include analysis of the multiple underlying causes of malnutrition, including lack of access to safe drinking water, sanitation, and hygiene;

(8) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(9) integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to build safety nets, secure livelihoods, access markets, and access opportunities for longer-term economic growth;

(10) develop community and producer resilience to natural disasters, emergencies, and natural occurrences that adversely impact agricultural yield;

(11) harness science, technology, and innovation, including the research and extension activities supported by relevant Federal Departments and agencies and Feed the Future Innovation Labs, or any successor entities;

(12) integrate agricultural development activities among food insecure populations living in proximity to designated national parks or wildlife areas into wildlife conservation efforts, as necessary and appropriate;

(13) leverage resources and expertise through partnerships with the private sector, farm organizations, cooperatives, civil society, faith-based organizations, and agricultural research and academic institutions;

(14) strengthen and expand collaboration between United States universities, including public, private, and land-grant universities, with higher education institutions in target countries to increase their effectiveness and relevance to promote agricultural development and innovation through the creation of human capital, innovation, and cutting edge science in the agricultural sector;

(15) seek to ensure that target countries and communities respect and promote land tenure rights of local communities, particularly those of women and small-scale producers;

(16) include criteria and methodologies for graduating target countries and communities from assistance provided to implement the Global Food Security Strategy as such countries and communities meet the progress benchmarks identified pursuant to section 8(b)(4); and

(17) demonstrably support the United States national security and economic interest in the countries where assistance is being provided.

(b) COORDINATION.—The President shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the Global Food Security Strategy by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies;

(2) establishing linkages with other initiatives and strategies of relevant Federal departments and agencies; and

(3) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than October 1, 2016, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the Global Food Security Strategy required under this section, including a detailed description of how the United States intends to advance the objectives set forth in section 3(a) and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The Global Food Security Strategy shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the Global Food Security Strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.

(a) FOOD SHORTAGES.—The President is authorized to carry out activities pursuant to section 103, section 103A, title XII of chapter 2 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151a–1, 2220a et seq., and 2346 et seq.) to prevent or address food shortages notwithstanding any other provision of law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development $1,000,600,000 for each of fiscal years 2017 and 2018 to carry out those portions of the Global Food Security Strategy that relate to the Department of State and the United States Agency for International Development, respectively.

(c) MONITORING AND EVALUATION.—The President shall seek to ensure that assistance to implement the Global Food Security Strategy is provided under established parameters for a rigorous accountability system to monitor and evaluate progress and impact of the strategy, including by reporting to the appropriate congressional committees and the public on an annual basis.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the crisis in Syria, which is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, forced displacement, aerial bombardment, ethnic and religious persecution, torture, kidnapping, rape and sexual enslavement, has triggered one of the most profound humanitarian crises of this century and poses a direct threat to regional security and the national security interests of the United States;

(2) it is in the national security interests of the United States to respond to the needs of displaced Syrian persons and the communities hosting such persons, including with food assistance; and

(3) after four years of conflict in Syria and the onset of other major humanitarian emergencies where, like Syria, the provision of certain United States humanitarian assistance has been particularly challenging, including the 2013 super-typhoon in the Philippines, the 2014 outbreak of Ebola in west Africa, the 2015 earthquake in Nepal, ongoing humanitarian disasters in Yemen and South Sudan, and the threat of a major El Nino event in 2016, United States international disaster assistance has become severely stressed.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, in coordination with other donors, regional governments, international organizations, and international financial institutions, to fully leverage, enhance, and expand the impact and reach of available United States humanitarian resources, including for food assistance, to mitigate the effects of manmade and natural disasters by utilizing innovative new approaches to delivering aid that support affected persons and the communities hosting them, build resilience and early recovery, and reduce opportunities for waste, fraud, and abuse.

(c) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) EMERGENCY FOOD SECURITY PROGRAM.—

''(1) IN GENERAL.—Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to make available emergency food assistance, including in the form of funds, transfers, vouchers, and agricultural commodities (including products derived from agricultural commodities) acquired through local or regional procurement, to meet emergency food needs arising from manmade and natural disasters.

''(2) DESIGNATION.—Funds made available under this subsection shall be known as the 'International Disaster Assistance – Emergency Food Security Program'.''.

(2) Section 492 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended—

(A) in subsection (a), by striking ''$25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987.'' and inserting ''$2,794,184,000 for each of fiscal years 2017 and 2018, of which up to $1,257,382,000 should be made available to carry out section 491(c).''; and

(B) by inserting after subsection (b) the following new subsections:

''(c) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—Amounts authorized to be appropriated pursuant to the authorizations of appropriations under section 491(c) are in addition to funds otherwise available for such purposes.

''(d) FLEXIBILITY.—

''(1) UNITED STATES POLICY.—It is the policy of the United States that the funds made available to carry out section 491 are intended to provide the President with the greatest possible flexibility to address disaster-related needs as they arise and to prepare for and reduce the impact of natural and man-made disasters.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that any amendments to applicable legal provisions contained in this Act are not intended to limit such authorities.

''(e) REPORT.—Not later than March 1 of each fiscal year, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that describes the activities undertaken by the President over the course of the prior fiscal year pursuant to section 491(c), including the amounts of assistance provided, intended beneficiaries, monitoring and evaluation strategies, anticipated outcomes, and, as practicable, actual outcomes.''.

SEC. 8. REPORTS.

(a) GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.—Not later than 1 year and 2 years after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees reports that describe the status of the implementation of the Global Food Security Strategy for 2017 and 2018, which shall—

(1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and small-scale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders;

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities;

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(b) GLOBAL FOOD SECURITY CROSSCUT REPORT.—Not later than 120 days after the President submits the budget to Congress under section 1105(a) of title 31, United States Code, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report including—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the principal Federal agencies that carries out global food security activities in the upcoming fiscal year, separately reporting the amount of planned funding to be provided under existing laws pertaining to the global food security strategy to the extent available; and

(B) to the extent available, identifies all assistance and research expenditures at the account level in each of the five prior fiscal years by the Federal Government and United States multilateral commitments using Federal funds for global food security strategy activities;

(2) to the extent available, a detailed accounting of all assistance funding received and obligated by the principal Federal agencies identified in the report and United States multilateral commitments using Federal funds, for global food security activities during the current fiscal year; and

(3) a breakout of the proposed budget for the current and budget years by agency, categorizing expenditures by type of funding, including research, resiliency, and other food security activities to the extent that such information is available.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsections (a) and (b) shall be made available on the public website of the United States Agency for International Development in an open, machine readable format, in a timely manner.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON OTHER PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out programs specified in subsection (b), in the manner provided, and subject to the terms and conditions, of those programs, including, but not limited to, the terms, conditions, and requirements relating to the procurement and transportation of food assistance furnished pursuant to such programs.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

(7) Any other food and nutrition security and emergency and non-emergency food assistance program of the Department of Agriculture.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SUPPORT FOR THE DESIGNATION OF APRIL 18, 2016 AS ''NATIONAL LINEMAN APPRECIATION DAY''

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 433, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 433) recognizing linemen, the profession of linemen, and the contributions of these brave men and women who protect public safety, and expressing support for the designation of April 18, 2016 as ''National Lineman Appreciation Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

SUPPORTING THE DESIGNATION OF APRIL 2016 AS ''PARKINSON'S AWARENESS MONTH''

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 434, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 434) supporting the designation of April 2016 as ''Parkinson's Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FISCHER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 434) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURES READ THE FIRST TIME—H.R. 2666

Mrs. FISCHER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2666) to prohibit the Federal Communications Commission from regulating the rates charged for broadband Internet access service.

Mrs. FISCHER. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR THURSDAY, APRIL 21, 2016

Mrs. FISCHER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, April 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that following morning business, the Senate then resume consideration of H.R. 2028.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. FISCHER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, April 21, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

STATE JUSTICE INSTITUTE

DAVID V. BREWER, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2016. (REAPPOINTMENT)

GAYLE A. NACHTIGAL, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2018. (REAPPOINTMENT)

DEPARTMENT OF STATE

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. MARSHALL B. LYTLE III

CONFIRMATION

Executive nomination confirmed by the Senate April 20, 2016:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. TODD T. SEMONITE