of fact, as to the homes in the northern portion of the Outer Banks where the wild horses are found, where there isn't a road, 60 percent of the homes are owned by Virginians, not North Carolinians. These horses have existed there for hundreds of years. As a matter of fact, these horses have been such an important part of North Carolina's history that in 2010 it was made North Carolina's State horse.

People have seen these horses on the beach and between cottages. They have co-existed with the habitat for over 200 years. The turtles, ducks, and wildlife have thrived. The species of that habitat have survived because there is no better protector of the species than these animals. They eat what they need without removing the roots, which is what helps them to repopulate and stay alive.

Here is the problem: This herd has been mandated to be held at 60 horses, and every scientific study on genetics shows you have to have more than 100 or 120 to have genetic sustainability.

What are we proposing? This act proposes that we bring 20 horses from the Shackleford reserve and integrate them with the horses on the Outer Banks, which is a mere 2 hours away. This herd is similar from the standpoint of its creation. By doing this, we will begin to inject genetics into this so we don't have the genetic deformities that are beginning to be experienced with the Corolla horses. If we don't act now, we could lose these horses, and it is all due to genetic inbreeding.

The reason I am embarrassed to be here is that this is something that ought to be done by unanimous consent. Every person in this body should embrace this legislation. Yet the Fish and Wildlife Service is opposed to this. And there is nothing that says that Fish and Wildlife can't build a fence around the wildlife reserve. It existed for hundreds of years in the wildlife reserve before and after it was designated as a wildlife reserve. As a matter of fact, 70 percent of the land on which these horses roam is private. The land for the wildlife refuge is only 30 percent, but 70 percent of the land is privately owned, and the private landowners are all for making this herd genetically sustainable.

If we don't do this legislatively, let me assure you that the Fish and Wildlife Service is going to hold the number at 60. If they hold the herd at 60, the herd will genetically burn out. I don't know what Fish and Wildlife is going to do. The herd is at 80 today. The herd needs new genetics entered into it to change the trend, but Fish and Wildlife could go out tomorrow and shoot 20 horses. I am sure they would probably tell us that they would take 20 horses and put them somewhere else. Where are they going to put them? Inject them into another genetic herd and increase their sustainability? Maybe so. But if you do it somewhere else, why wouldn't you do the same thing here?

No landowners are clamoring to let this herd die out. As a matter of fact, there are a million and a half people in this country who have expressed support for the sustainability of this herd. But this is where science dictates. Science says that it is not sustainable if you leave this herd without a genetic injection from somewhere else.

This is not a new proposal. It passed in the House twice. It is not a new proposal. Fish and Wildlife has done this in other places. For some reason, they don't want to do it in North Carolina.

The last test for any Member of Congress and anybody in this country should be: What will it cost us to do this? What am I asking you to pay to do this? The answer is zero. There is no Federal cost to this legislation. We can sustain the herd for the future, and it will not cost taxpayers anything. We have a private entity that will take responsibility for the management of the fund.

We don't in any way, shape, or form limit Fish and Wildlife from the standpoint of their ability to fence off whatever they believe is environmentally sensitive. And we have horses that have lived with ducks, geese, and sea turtles for over 200 years and have never seen a problem with it.

The Presiding Officer has been patient. I say to my colleagues: Don't make a mistake. Support this legislation. It is the right thing to do. It doesn't cost the taxpayers money, and it embraces everything that I think America stands for, and that is the preservation of the history of this country. Believe it or not, these horses represent over 200 years of history in North Carolina, and that is why we made it our State horse.

I thank the Presiding Officer, and I yield back my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

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.

Pending:

Murkowski amendment No. 2953, in the nature of a substitute.

Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.

Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 3276; 3302, AS MODIFIED; 3055; 3050; 3237; 3308; 3286, AS MODIFIED; 3075; 3168; 3292, AS MODIFIED; 3155; 3270; 3313, AS MODIFIED; 3214; 3266; 3310; 3317; 3265, AS MODIFIED; 3012; 3290; 3004; 3233, AS MODIFIED; 3239; 3221; 3203; 3309, AS MODIFIED; 3229; 3251; AND 2963 TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, I call up the following amendments en bloc and ask that they be reported by number and be considered en bloc, along with amendment No. 2963, offered by Senator MURKOWSKI: Cantwell amendment No. 3276; Klobuchar amendment No. 3302, as modified; Flake amendment No. 3055; Flake amendment No. 3050; Hatch amendment No. 3237; Murkowski amendment No. 3308; Heller amendment No. 3286, as modified; Vitter amendment No. 3075; Portman amendment No. 3168; Shaheen amendment No. 3292, as modified; Heinrich amendment No. 3155; Manchin amendment No. 3270; Cantwell amendment No. 3313, as modified; Cantwell amendment No. 3214; Vitter amendment No. 3266; Sullivan amendment No. 3310; Heinrich amendment No. 3317; Vitter amendment No. 3265, as modified; Kaine amendment No. 3012; Alexander amendment No. 3290; Gillibrand amendment No. 3004; Warner amendment No. 3233, as modified; Thune amendment No. 3239; Udall amendment No. 3221; Coons amendment No. 3203; Portman amendment No. 3309, as modified; Flake amendment No. 3229; and Inhofe amendment No. 3251.

The PRESIDING OFFICER. The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself and others, proposes amendments numbered 3276; 3302, as modified; 3055; 3050; 3237; 3308; 3286, as modified; 3075; 3168; 3292, as modified; 3155; 3270; 3313, as modified; 3214; 3266; 3310; 3317; 3265, as modified; 3012; 3290; 3004; 3233, as modified; 3239; 3221; 3203; 3309, as modified; 3229; and 3251 en bloc to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 3276

(Purpose: To strike certain provisions relating to technology demonstration on the distribution system, large-scale geothermal energy, and bio-power initiatives)

Strike section 2303.
Strike section 3009.
Strike section 3017.

AMENDMENT NO. 3302, AS MODIFIED

(Purpose: To modify provisions relating to the energy efficiency materials pilot program)

Beginning on page 37, strike line 16 and all that follows through page 41, line 14 and insert the following:

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.

AMENDMENT NO. 3055

(Purpose: To establish a pilot project relating to the Western Area Power Administration)

At the appropriate place, insert the following:

SEC. _____. 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.

AMENDMENT NO. 3050

(Purpose: To require the Secretary of Energy to make available certain information about research grants of the Department of Energy.)

At the end of subtitle E of title IV, add the following:

SEC. 4405. 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.

AMENDMENT NO. 3237

(Purpose: To require the Secretary of the Interior to submit recommendations to Congress on incorporating Internet-based lease sales for the sale of Federal oil and gas in certain circumstances)

At the end of subtitle B of title III, add the following:

SEC. 31___. 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.

AMENDMENT NO. 3308

(Purpose: To clarify certain provisions relating to the natural gas pipeline authorized in the Denali National Park and Preserve)

At the end of subtitle B of title III, add the following:

SEC. 31_____. 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.).''.

AMENDMENT NO. 3286, AS MODIFIED

(Purpose: To promote the development of renewable energy on public land)

On page 244, between lines 13 and 14, insert the following:

Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land

SEC. 3011A. 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. 3011B. 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. 3011C. 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. 3011D. 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. 3011E. 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)).

On page 244, line 14, strike ''**Subpart B**'' and insert ''**Subpart C**''.

AMENDMENT NO. 3075

(Purpose: To require the Bureau of Safety and Environmental Enforcement to review the economic impact of a rule on small entities)

At the appropriate place, insert the following:

SEC. ___. 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.

AMENDMENT NO. 3168

(Purpose: To exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination or ceiling fans using direct current motors from energy conservation standards for external power supplies)

At the appropriate place, insert the following:

SEC. _____. 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)''.

AMENDMENT NO. 3292, AS MODIFIED

(Purpose: To reduce barriers to combined heat and power systems and waste heat to power systems)

At the end of subtitle D of title II, add the following:

SEC. 23___. 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.

AMENDMENT NO. 3155

(Purpose: To ensure that minority serving-institutions are considered in developing a strategy for the support and development of a skilled energy workforce, and to ensure the Secretary of Energy shall provide direct assistance in carrying out the energy workforce pilot grant program)

On page 320, between lines 2 and 3, insert the following:

(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.

On page 320, line 3, strike ''(f)'' and insert ''(g)''.

On page 324, strike line 9 and insert the following:

(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

On page 324, line 14, strike ''(k)'' and insert ''(l)''.

On page 325, line 3, strike ''(l)'' and insert ''(m)''.

AMENDMENT NO. 3270

(Purpose: To modify provisions relating to the coal technology program)

Beginning on page 304, strike line 11 and all that follows through page 311, line 7, and insert the following:

(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).''.

AMENDMENT NO. 3313, AS MODIFIED

(Purpose: To express the sense of the Senate on accelerating energy innovation)

At the end of subtitle C of title IV, add the following:

SEC. 42___. 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.

AMENDMENT NO. 3214

(Purpose: To proved for improved energy emergency response efforts of the Department of Energy)

At the end of subtitle E of title IV, add the following:

SEC. 44____. 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.''.

AMENDMENT NO. 3266

(Purpose: To require the Comptroller General of the United States to prepare a report relating to the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement relating to the legal procurement of privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties)

At the end of subtitle E of title IV, add the following:

SEC. 44____. 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.

AMENDMENT NO. 3310

(Purpose: To provide for the correction of a survey of certain land in the State of Alaska)

At the end of subtitle E of title IV, add the following:

SEC. 44____. 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).

AMENDMENT NO. 3317

(Purpose: To require the Secretary of Energy to ensure that the costs of general and administrative overhead are not allocated to laboratory directed research and development)

At the end of subtitle C of title IV, add the following:

SEC. 42____. 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.

AMENDMENT NO. 3265, AS MODIFIED

(Purpose: To provide additional priorities for an energy workforce pilot grant program)

In section 3602(d)(9), strike ''or'' at the end.

In section 3602(d)(10), strike the period and insert a semicolon.

In section 3602(d), insert at the end the following:

(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.

AMENDMENT NO. 3012

(Purpose: To remove the use restrictions on certain land transferred to Rockingham County, Virginia)

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. 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).''.

AMENDMENT NO. 3290

(Purpose: To add a provision relating to secondary use applications of electric vehicle batteries)

At the end of section 1306, add the following:

(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.

AMENDMENT NO. 3004

(Purpose: To allow the use of Federal disaster relief and emergency assistance for energy-efficient products and structures)

At the appropriate place, insert the following:

SEC. _____. 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.

AMENDMENT NO. 3233, AS MODIFIED

(Purpose: To authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land)

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. 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.

AMENDMENT NO. 3239

(Purpose: To establish a subcommittee to coordinate and facilitate United States leadership in high-energy physics)

At the end of subtitle C of title IV, add the following:

SEC. 42___. 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.

AMENDMENT NO. 3221

(Purpose: To establish a voluntary WaterSense program within the Environmental Protection Agency)

At the appropriate place, insert the following:

SEC. _____. 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.''.

AMENDMENT NO. 3203

(Purpose: To provide for a study of waivers of certain cost-sharing requirements of the Department of Energy)

At the end of subtitle E of title IV, add the following:

SEC. 44___. 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.

AMENDMENT NO. 3309, AS MODIFIED

(Purpose: To provide for activities relating to the centennial of the National Park System)

At the end of subtitle E of title IV, add the following:

SEC. 44____. 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

''§ 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)—

AMENDMENT NO. 3229

(Purpose: To establish a program to reduce the potential impacts of solar energy facilities on certain species)

At the end of subtitle E of title IV, add the following:

SEC. 44___. 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.

AMENDMENT NO. 3251

(Purpose: To modify the calculation of fuel economy for gaseous fuel dual fueled automobiles)

On page 150, between lines 14 and 15, insert the following:

SEC. 131__. 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).''.

Ms. MURKOWSKI. Mr. President, I know of no further debate on these amendments.

The PRESIDING OFFICER. If there is no further debate on these amendments, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 3276; 3302, as modified; 3055; 3050; 3237; 3308; 3286, as modified; 3075; 3168; 3292, as modified; 3155; 3270; 3313, as modified; 3214; 3266; 3310; 3317; 3265, as modified; 3012; 3290; 3004; 3233, as modified; 3239; 3221; 3203; 3309, as modified; 3229; 3251; and 2963) were agreed to en bloc.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table en bloc.

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

Ms. MURKOWSKI. Mr. President, we are back on the floor with the Energy Policy Modernization Act—an act that many of us have spent a considerable amount of time not only here on the floor discussing but, prior to its arrival on the floor of the Senate, working through a process that, quite honestly, I am very pleased to be able to report on.

As we have just heard, with the voice vote that we just took en bloc, we have accepted and adopted 29 additional amendments to this broad, bipartisan, and, as some would suggest, long-stalled Energy bill. We have been working on this now on the floor for more than 2 months. It actually first came to the floor on January 27 of this year. But we have seen patience, a little bit of persistence, and a truly good-faith negotiation. Last week we were able to clear the last of the objections to this bill and to define a path forward.

Again, we just reached unanimous consent on these 29 additional amendments. There will be eight rollcall votes this afternoon and then votes on cloture and final passage, and, hopefully, today we will see the last day of debate on our Energy bill.

Since we have been away from EPMA for so long, I wanted to start my comments this afternoon by reminding colleagues of the process we have followed and of the many good provisions we have incorporated within the bill that make it worthy of the Senate's support.

It began with a pretty simple and straightforward recognition; that is, that it was time—it was actually well past time—to update and reform our Nation's energy policies. The last time the Congress passed a major Energy bill was in December of 2007. So it has been almost a decade's worth of changes in technologies and markets taking place across the country.

Our energy space has changed, but what hasn't changed are the policies. The policies that we see are increasingly outdated and detached from the opportunities we need to advance good energy policy in this country.

So what did we do? We set out to write a bill. Our Energy Policy Modernization Act of 2016 is the result of more than a year of hard work by those of us who serve on the Energy and Natural Resources Committee. It is the result of multiple listening sessions, multiple legislative hearings, bipartisan negotiations, and then a multiday markup that we held last July. At the end of that markup, we were able to approve a bill by a strong bipartisan margin—18 to 4.

The reason the bill passed out of committee with such strong bipartisan support was not just because of our commitment to a good process—and it was very clear that it was a good process throughout—but we matched that good process with a commitment, an equal commitment, to good policy. We worked together across the aisle to include good ideas from Members on both sides of the aisle, from Members on the committee, and Members off the committee. Some of the things we agreed to include are going to speak to the input we received.

Senator BARRASSO has led an effort that will streamline LNG exports. He was joined by 17 other Members. That is incorporated in our bill.

We agreed to include a major efficiency bill that the occupant of the Chair, the Senator from Ohio, together with the Senator from New Hampshire, have spearheaded for years. That bill was supported by 13 other Members and is incorporated as part of this overall Energy Policy Modernization Act.

We agreed to improve our mineral security. This is something I have been leading, along with Senators HELLER and CRAPO and RISCH.

We worked to promote the use of hydropower—a renewable, emission-free resource that is favored by just about everybody in this Chamber.

We agreed to streamline permitting for natural gas pipelines. This was an effort that was led by the Senator from West Virginia, Mrs. CAPITO.

We agreed to a new oil and gas permitting pilot program. This was one of several ideas that the Senator from North Dakota, Mr. HOEVEN, helped advance.

We have worked to improve our Nation's cyber security, based on legislation that was advanced by the Senator from New Mexico, Mr. HEINRICH, as well as Senator RISCH from Idaho.

We also made innovation a key priority to promote the development of promising technologies.

As part of that, we agreed to reauthorize some of the energy-related provisions that were contained in the America COMPETES Act, which was led by Senator ALEXANDER from Tennessee.

We also agreed to reauthorize the coal R&D program at the Department of Energy. This was, again, based on another bipartisan proposal that was led by both Senators from West Virginia, Senators CAPITO and MANCHIN, as well as the Senator from Ohio who is occupying the Chair now, Senator PORTMAN.

What we came away with was a substantive, timely, and bipartisan measure that has a very real chance of being the first major Energy bill signed into law in well over 8 years.

So this is important, for a host of different reasons.

Moving forward with this act will help America produce more energy. It will help Americans save more money. It will help ensure that energy can be transported from where it is produced to where it is needed. It will strengthen our status as the best innovator in the world, and it will bring us just one step closer to becoming a global energy superpower. It will do all of this without raising taxes, without imposing new mandates, and without adding to the Federal deficit.

That was our starting point here on the Senate floor back in January. When we came to the floor with the Energy bill, I think those of us on the Energy and Natural Resources Committee thought it was a pretty strong bill, but we have made it better. We kept building on it. Since the debate began, we have voted on a total of 38 amendments. We have accepted 32 of them, and we have added even more good ideas from even more Members to an already very bipartisan package. Right now, the Energy Policy Modernization Act includes priorities from 62 Members of the Senate. In other words, more than three-fifths of the Members of this body have contributed something to this overall bill, and that number will rise throughout the day as we process additional amendments.

One amendment I am particularly pleased with is the resources title that I have worked on and written with Senator CANTWELL. We have agreed to a package of 30 lands and water bills which will address a wide range of issues in Western States. That package also includes the bipartisan sportsmen's provisions that we have been working to pass in this body for at least three Congresses. This is a measure that will ensure that our public lands are open, unless closed for a legitimate reason, to require agencies to enhance opportunities for our sportsmen on public lands and more. I want to recognize my colleague from New Mexico who has helped us with this endeavor in making sure the sportsmen's package was included as this bill moved forward.

It is true we were a little bit delayed in reaching the point where we are today as we are processing these final amendments, but I thank the Senate and the majority leader for sticking with us on this. At one point in time, it was suggested that we were going to

have to pull a rabbit out of a hat in order to get this bill back on the floor with a consent process that would allow us to finish. Well, the rabbit has come out of the hat. Some might suggest it was a little bit battered, but, nonetheless, nobody gave up on this bill.

I acknowledge Senator CANTWELL and her staff for working with us every step of the way. We knew we had a path forward. We worked tirelessly to find it because we know this is a bill worth passing.

Over the next couple of hours, Members will have an opportunity to deliver their final comments on the Energy bill, and after that we will move to these eight stacked rollcall votes, followed by votes on cloture, and then, hopefully, on final passage.

I am pleased to be able to say we will have wrapped up our work on this bill and send it over to the House of Representatives—again, hopefully, by the time we go home tonight.

I thank the Senate for working with us to get to this point, and I would encourage Members on both sides of the aisle to recognize the good work and the good ideas that are included within this bill. And when the time comes, I encourage every Member to vote yes on a broad bipartisan, good energy bill.

Mr. President, I recognize my colleague Senator CANTWELL, the ranking member on the Energy Committee and a fabulous partner throughout this effort. I would like to thank her for all she has done to get us to this point as well.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to thank Chairman MURKOWSKI for her leadership on the Energy bill. She and I have been working on this for almost a year now, and today we are at a point where we think we will see the final product of this legislation in the next 24 hours move out of the Senate and over to the House of Representatives. So it is a good day. We are very thankful that all the hard work she and her team and our side on the minority have put in will result in successfully getting a bill to the President's desk.

I acknowledge our colleagues in the Senate have addressed something like 40 different priority pieces of legislation. We have added, as the chairman has said, 60 different amendments during the floor process. We have had important compromises on clean energy technology, energy efficiency, and infrastructure with truly bipartisan support. We need to pass this bill, and that is why we have been persistent.

It has been since 2007 that we passed an energy bill, led by Senator Jeff Bingaman and Senator Pete Domenici, that laid down a lot of fundamental things in the renewable energy markets and clean energy investment, but the landscape has changed greatly since 2007. Since then, because of those efforts, the United States has more than quadrupled the wind power than what we had before. It has more than tripled than what we had. Solar photovoltaic installations are up nearly by 15 times. The number of LED lights has grown more than 90 times.

From 2007 to 2014, our national energy use also fell 2.4 percent while the GDP grew 8 percent. This represents a very significant point in energy productivity; that is, we have continued to produce cleaner sources of energy and helped diversify our own energy portfolio. Yet our economy and GDP still grew. It is important because these policies that are in this bill are continuing to move forward on energy efficiency, clean energy, renewables, and new technology.

I thank everybody who has been cooperative in this process. Clearly, we could have had a my-way-or-the-highway approach that was taken on the Shaheen-Portman legislation. I know my colleague is leaving the floor, but Senator PORTMAN and Senator SHAHEEN played a large role in past discussions, but the chairwoman didn't take that approach. She said: Let's all work together. In a spirit of compromise, let's pass legislation that our colleagues want to see. And of course, the U.S. Department of Energy published the Quadrennial Energy Review last year, which said that we are at an energy crossroads. And we looked at what our Nation needed to do at this crossroad, to make investments in modernizing our 21st century energy portfolio. Energy is the lifeblood of our economy. If we put good energy policy in place, businesses and consumers get more affordable, cleaner, and more renewable energy.

This bill takes important steps on research and development of clean energy technologies to help us integrate these new, clean energy technologies that are not already in the marketplace, and gaining a foothold on new clean energy technologies in marine, hydrokinetic and geothermal. I thank our colleague Senator WYDEN for his leadership on many of these issues.

The bill also takes important steps in advanced grid technology to help us with new integration of our renewable resources. It authorizes $2 billion for technology demonstration grants to make sure that we are continuing the development of a microgrid deployment. I know from the chairman of the committee it is something very important to Alaska and the chairman, as they have a huge territory and lots to cover. So, making sure that microgrid development gets the technical support and assistance is critical.

The bill includes an initiative to accelerate the RD&D of energy storage, a technology that many witnesses before our committee have labeled as the game-changer—and I believe it is the game-changer. As a hydro State that gets more than 70 percent of our electricity from inexpensive renewable sources, like hydro. So making sure we can store some of that energy is a game-changer for the electricity grid.

Just as important, this bill makes a major investment in cyber security. We are talking about technologies that are key to making sure we protect our grid, making it more resilient, basically making it more robust so we can continue to improve it and face less risk in the future.

We have many opportunities in this Energy bill to continue to promote the advanced fuels and energy information that are going to allow us to continue to diversify our energy resources. We also want to make sure we are understanding how the United States can maintains its competitiveness in a clean energy economy. For example, the global smart grid economy is expected to grow by $400 billion in the next 5 years. It is pretty basic. Anytime you can save on the supply you already have, it is a wise investment. Many people want to invest in making their electricity and the use of their current energy supply smarter. I like the smart building provisions of this bill. Smart building will end up using sensors to better direct and maintain the energy flow in buildings. Why is this so important? It is important because about 40 percent of our energy use in the U.S. comes from buildings today. The Department of Energy believes we can reduce the cost of energy in our buildings by about 20 percent. I don't think there is a person in the Senate who hasn't walked into a room and felt like the thermostat just wasn't right. Whatever it said, the room seemed to be the opposite. That is why we want buildings to have smarter technology, more sophisticated technology, so we can save energy and help our businesses be more competitive.

Energy efficiency in the Chinese market is expected to be more than $1.5 trillion by 2035. So continuing our leadership, this bill will help us grow jobs and grow industries in the United States. Energy efficiency and building standards have also lowered costs. A 20-percent cut of energy use in buildings would save $80 billion each year in energy bills. That is something that would give any U.S. manufacturer a competitive advantage. Investing in smart building makes sense. I am pleased that while investing in this we are also helping our manufacturers.

We just had a hearing with the manufacturing industry in the Energy Committee. They told us they were literally bringing overseas jobs home to the United States because we are continuing to invest in the right advanced manufacturing technologies so they will continue to be competitive. I speak now of what is happening with aerospace manufacturing in composite lightweight materials. The research we did allowed us to continue to be proficient in that area and have more jobs brought back to the United States.

This bill invests in smart manufacturing. It would enhance fuel efficiency opportunities for advanced truck fleets. I thank Senators STABENOW,

PETERS, and ALEXANDER for their work on that provision. Heavy-duty trucks move 70 percent of our freight and use 20 percent of the fuel consumed in the United States. This sector can continue to use the advancements in these technologies to continue their competitive advantage.

This legislation also focuses on workforce training issues. We know we need more jobs as the energy profile continues to change. The good news is these are high-paying jobs. In my State, the average salary for a utility worker is 57 percent higher than the average salary of all other industries in the State. Our bill establishes a competitive workforce grant, a job training program through community colleges, and helps with registered apprentice programs so we can get the workforce of tomorrow that the Secretary of Energy says we need. His report says we need 1.5 million new workers in the energy industry. Let's go about making sure we get that.

Lastly, I want to mention the Land and Water Conservation Fund, a program that was actually authored by Senator ''Scoop'' Jackson from Washington and he remains the longest-serving chairman of the Senate Energy Committee. The Land and Water Conservation Fund was a fully functional and effective program for 50 years, until Congress allowed its authority to lapse last fall. This bill would make sure that never happens again by making it permanent.

I thank the chairman for her leadership because she helped us craft a compromise on making the Land and Water Conservation Fund permanent, to get the right focus on how the program works and to continue to make sure we are making investments in outdoor recreation.

This Land and Water Conservation Fund helps support more than 200,000 jobs in the State of Washington and a nearly $20 billion economy. When we talk about the various amendments we are going to be talking about today, I want to make sure Members understand that a lot of good work in the committee went into the Land and Water Conservation Fund.

We will also be voting on a lot of public lands amendments later. I want to bring up one, the Yakima River Basin bill, which we passed out of committee on a bipartisan vote. It's a holistic approach to dealing with water management. I hope it becomes a model for the rest of the country.

I also thank Secretary Moniz and his staff and Secretary Jewell and her staff for all the work that was done in the committee on both the lands package and on the energy provisions. I know the chairwoman probably discussed the issue of natural gas exports and Secretary Moniz provided us language for how the agency is working that we put into the bill.

I again thank my two colleagues who are on the floor, Senator SHAHEEN and Senator PORTMAN. Certainly Senator SHAHEEN has been dogged in her enthusiastic support for not just energy efficiency policy, working with Senator PORTMAN, but when she left the committee, I don't think she really left the committee. She just pretended, so that she was somehow still connected to our efforts. I thank her for that and also Senator PORTMAN. I think we have taken the good work of these individuals and probably had almost 30 different energy efficiency proposals in this base legislation bill that we have incorporated and now are able to move forward on. I also thank my colleague Senator HEINRICH, who has several provisions in this bill and several that will be voted on shortly in the lands package.

These individuals, along with those I just mentioned, members of the committee, provided such great leadership for us in putting this final bill before the Members of the Senate. I hope our colleagues will give it enthusiastic support. It represents a lot of discussion. It is not the perfect bill that the chairwoman would have written nor the exact bill I would have written.

But it is a compromise on the modernization of energy that this country needs to move toward a safer, more secure, cleaner energy force and a skilled workforce to go with delivering it.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. PORTMAN. Madam President, I want to start by commending the Presiding Officer and Senator CANTWELL for getting this bill to the floor. They say the third time is the charm. I think this may be the fourth or the fifth time. But I will say that I marvel, Senator CANTWELL and Senator MURKOWSKI, at your patience and your persistence.

You have never lost sight of the goal, which is to actually move legislation that will help us create jobs, make our economy more efficient, as Senator CANTWELL has said, and improve our energy policies at a time when we are desperate to be able to address some of the new changes we see in our economy and in our energy situation in particular. So thank you for your persistence.

I also want to commend you and thank you for including as title I of this legislation the energy efficiency legislation, the Portman-Shaheen energy efficiency legislation that we just talked about.

Senator SHAHEEN is here on the floor with me. I hope she will talk about this bill in a second. This is something we worked on a long time—I think over 5 years now. It is an opportunity for us as a body to actually move forward with sensible legislation that makes our Federal Government more efficient and our factories more efficient, as Senator CANTWELL has talked about.

It improves our ability to create jobs and to be able to be more energy independent. It is the kind of win-win legislation that we do too seldom around here. It is an opportunity for us today to send a strong message to the House that we would like to move broad energy efficiency legislation. Hopefully, we can get it to the President's desk for signature and move it ahead.

There are two parts of the Energy Savings and Industrial Competitiveness Act. That is our legislation that has already been passed by this Chamber. Those two parts have been signed by the President. They are at work now.

I will say that already they are helping to allow individuals to use less energy and, therefore, have more savings. That lets companies to be more efficient, to create more jobs, and to reduce emissions. Now it is time to pass this remaining part of the legislation, the main part of the legislation which includes bipartisan reforms that we are taking up today.

It is about time we get these across the finish line. The priority I have had here in the Senate has been on jobs and wages. That is exactly what this legislation does. It is really a jobs bill, among other things. According to a recent study of our legislation, the Portman-Shaheen bill, by 2030 it will help create nearly 200,000 new jobs and help the economy by saving consumers about $16.7 billion in reduced energy costs.

So this is legislation about energy, but it is also about our economy and jobs. By the way, when we started this legislation, it was the Shaheen-Portman legislation. It has remained a totally bipartisan—even nonpartisan—effort.

Our workers in Ohio and in the States represented in this Chamber are competing with countries all over the world. If you think about it, a lot of these companies that are in other places, strictly in Europe and Japan, are very energy efficient. That gives them an advantage. It makes it harder for us to be able to add jobs here to be able to compete because their costs are lower and their profits are up.

So part of this legislation is strongly supported by the manufacturers in this country because they know that, by making our plants more energy efficient, we are going to give our workers in Ohio and around the country and our companies a competitive advantage. So that is one thing that is very important about this legislation. This will help us to be able to compete in a global economy.

It also creates more jobs to have more supply of energy. So it is not just that we are being more efficient, which is very good, but I will say that in this legislation we are also encouraging more production, including energy infrastructure that the chairman talked about earlier. So my view is very simple. We should be producing more and using less. That combination really works for our economy.

Over the last 7 years on the ''produce more'' side, we have been in the midst really of an energy production renaissance. This is because of new advances

in technology. It has dramatically changed the productivity and output of American energy companies.

I am talking about everything. I am talking about solar and wind. I am talking about hydro. I am certainly talking about natural gas with fracking. I am also talking about oil and coal. We have become the world super power in energy—the world super power in energy. This is good for our country. This is good for all of us as consumers. With lower energy costs now, it is good for the competitiveness of our economy. But it is also a change. So the underlying legislation here—the broad legislation—is very important because our economy and our energy situation are very different than they were the last time we reformed energy laws.

That is why we need this broader legislation in my view. It does have some needed changes, including bringing our permitting process up to speed, our regulations up to the times, and, again, dealing with some of the other issues with regard to our energy sector, which has been talked about this afternoon.

Just as it makes sense to produce more, it makes sense to use less, to eliminate some of the waste in our energy system, to make it more efficient. Production and efficiency are totally complementary. By improving energy efficiency again, our jobs bill here will actually create more economic growth and create more opportunities for Ohioans.

The Portman-Shaheen bill will also strengthen our national security. Why do I say that? Well, it makes us more energy independent. That is critical. We are already doing this through some means, but if we can get this legislation passed, we will be doing it through better energy efficiency as well. The bill helps clean our environment. By some estimates, passing Portman-Shaheen will have an impact on our carbon emissions, the equivalent to taking 20 million cars off the road over the next 15 years.

So it does have an impact in terms of dealing with the emissions issue. I am a really strong supporter of finding solutions that actually help the environment, help the economy, and help create jobs. Well, this is that sweet spot here. This legislation is a classic example. Our bill also provides a model for how to ensure that we can do it without a lot of new job-destroying mandates or regulations. There are no mandates in this legislation. There are lots of incentives for the private sector, but we try to make the Federal Government, in this legislation, a better partner, rather than a better task master. Again, I think that is the sweet spot.

One thing it does is it makes the Federal Government practice what it preaches. So it says to the Federal Government: You are the largest energy user in the world. You are far from efficient. Can't we do a better job in the Federal Government by having the Federal Government lead by example? It does this at the State and local level by updating building codes for government building, providing grants for retrofitting hospitals, youth centers, and faith-based organizations with energy efficiency improvements.

It would get rid of some of the duplicative green building programs that are at the Department of Energy, to make sure those are working better, are more consolidated. It establishes a Federal smart building program to conduct research and development on smart building technology, which was talked about by Senator CANTWELL a moment ago. There is a huge opportunity here because 40 percent of our energy use is in our buildings.

It would codify in statute that Federal agencies must reduce their energy intensity 2.5 percent per year over the next decade. So it codifies some of what is already in place as that goes forward. As I have said, this bill does not impose new burdens on Americans, rather it creates incentives and helps small and medium-sized manufacturers to access smart manufacturing technology by establishing rebates for upgrading electric motors and transformers, by funding career field training for students receiving a certificate for installing energy efficient building technologies, one of the skills gaps we have right now in our economy that need to be closed for us to take advantage of these new energy efficiency technologies.

Rather than the Federal Government telling companies what to do under this bill, the Federal Government helps them to become more efficient. It is not just American companies. Portman-Shaheen would help everyone. Particularly, it would help low-income Americans be able to retrofit their homes to be more energy efficient, which will save them money on their energy bills.

With the middle-class squeeze that is out there, what we see right now is wages that are not just flat, but they have declined on average over the last several years. Expenses are up, including health care expenses and including, in many cases, energy expenses, including in my home State of Ohio, where we have more and more pressure on our electricity costs. This will help in terms of dealing with that middle-class squeeze. For people just trying to get by, a low energy bill can be a real relief, and a few dollars at the end of each month can then be used for a needed expenditure, for savings, maybe for investment in a kid's college education or for retirement.

Finally, our bill does reauthorize the Weatherization Assistance Program, which establishes building training and assessment centers at institutions of higher education around the country, which is also very important toward this efficiency of buildings.

The Portman-Shaheen legislation is now supported by more than 260 associations, businesses, and advocacy groups, from the National Association of Manufacturers to the Sierra Club, from the Alliance to Save Energy to the U.S. Chamber of Commerce. These are some strange bedfellows, I will tell you. You normally don't see these groups coming together to support legislation on the floor of the Senate. But I think it shows that this is a consensus win for taxpayers, for workers, and for the environment.

I was really pleased to work with Senator SHAHEEN, Ranking Member CANTWELL, and Leader MCCONNELL to offer a bipartisan amendment to this broader bill that is supposed to clarify a Department of Energy efficiency standard related to external power supply drivers.

The existing standards are overly broad. Again, this is another amendment we are going to be offering today, and another case where we are able to bring all parties to the table and negotiate a compromise fix to an urgent problem. I am hopeful that will soon be adopted, and it will provide an effective, bipartisan solution.

Again, I want to thank Senator SHAHEEN for her persistence and her patience with regard to our energy efficiency bill and for being a great partner from the start. This is not the precise bill that she would have written or that I would have written, but it is one that finds that common ground, that consensus to be able to move our country forward with regard to energy efficiency.

I also want to mention an amendment I offered with Senator CANTWELL and Chairman MURKOWSKI to this broader legislation that is beneficial to our environment and will help the National Park Service, and this is the centennial legislation. As some of you know, 2016 is a big year for the parks. This is the park's centennial, the 100th year. In fact, this week is National Park Week. What better time is there for us to be adopting this amendment? The National Parks Service turns 100 years old on August 25. We want to make sure that the National Parks Service is well positioned for its next century.

In Ohio, 2.6 million people visit our 13 national parks sites every year. So you might not think of Ohio as being a big national park State. It is. We are blessed to have these sites that preserve and protect the national beauty of our State. We are grateful for the National Parks Service and for their custodianship and their stewardship of treasures like the Cuyahoga Valley National Park, one of the top 10 parks in the country in terms of visitation, and also of about 4,000 or so Ohio sites on the National Register of Historic Places.

Our amendment would officially set up two funds to help the National Park Service be more effective going forward to help them have more funds to able to address some of the challenges they face and to start, particularly, to address the backlog of projects that need to be completed.

But first it would officially authorize the National Park Centennial Challenge Fund, which is already leveraged with about 25 million bucks in appropriated dollars to an additional $45 million in private sector money—matching funds—to finance signature projects and programs of the National Park System. I think this is part of our answer to our national park shortfall and to the backlog, particularly the maintenance backlog at the parks; that is, to get more private sector interest. It is out there. This is a vehicle for that to happen.

The second would be a nonprofit second century endowment fund at National Park Foundation to reduce the $10 billion in National Park Service projects. This would present another opportunity to leverage the willingness of the private sector to help address this backlog that the National Park Service faces. It is a win-win for the taxpayer and for all those who enjoy our national parks and all of our treasures.

Finally, it creates a new National Park Service education program to help further the educational mission of our parks. The parks are being well attended right now. Attendance is up. People are excited about the parks. It is a great time for us to pass this centennial legislation. I know there is comparable legislation on the House side. I am sure we can get this to the President—to his desk for signature. We can help to ensure that our parks, for the next 100 years, continue to grow and continue to provide this incredible experience for all of our constituents.

This amendment is another example of where we have come together in a bipartisan basis to do this. I want to thank again Senator CANTWELL for her work on this and Senator MURKOWSKI for putting it in this legislation. Finally, I am really pleased that we were able to include the Land and Conservation Fund's permanency in this legislation and also the sportsmen's bill in this legislation, to expand and ensure access to public lands for hunting and fishing.

The bottom line is that I encourage everybody to vote for this bill, Republicans and Democrats alike. This is a good bill. It is a bill that will drive infrastructure investments in my State of Ohio and around the country. It will protect the grid from cyber and physical attacks. It will allow more exports of liquefied natural gas, which is good for our economy.

It will make our Federal Government more efficient. It will make our economy more efficient. It creates jobs. It helps clean up the environment. It helps modernize our government. To me, that constitutes a victory for all of us. I congratulate Senator CANTWELL and Senator MURKOWSKI for getting this to the floor. I look forward to its passage later on today.

I yield back my time, and I hope my colleague from New Hampshire will have the opportunity to speak.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am thrilled to join my partner in efficiency, Senator PORTMAN, in addressing the energy efficiency provisions of the Energy Policy Modernization Act.

Before I get to those, I congratulate Chair MURKOWSKI and Ranking Member CANTWELL for everything they have done to move this Energy bill forward. At a time when I think most of us thought this Energy bill was gone for this Congress—again, for the third time—they have been able to rally to bring people together to get consensus to move a bill that not only deals with the energy efficiency provisions that Senator PORTMAN and I have championed but also improves a broad array of energy policies for this country, and it would permanently reauthorize the Land and Water Conservation Fund. I congratulate them on giving us yet a third opportunity—hopefully—to vote on this bill and to finally be able to pass it. As Senator PORTMAN said, the third time is a charm, hopefully. For 5 years, he and I have worked to advance the Energy Savings and Industrial Competitiveness Act, or what was known initially as Shaheen-Portman, which has now become Portman-Shaheen in this Congress. Many of the provisions in that original legislation are in this Energy Policy Modernization Act. While over the last 5 years we have been able to get some of the original provisions in the legislation through, the fact is, most of the significant provisions are in this current bill. I thank Senator PORTMAN for being such a great partner on energy efficiency and for helping to advance this legislation in a way that gives us another chance to hopefully vote successfully on the bill.

I have been a huge fan of energy efficiency since my years as Governor of New Hampshire because I believe that energy efficiency is the cheapest, fastest way to reduce our energy use. Energy savings techniques and technologies reduce carbon pollution. They lead to substantial energy savings that allow for businesses to expand, for us to create jobs, and for our economy to grow.

In a Congress that is too often divided along partisan lines on so many issues, energy efficiency is one priority that can bring us together on a bipartisan, bicameral basis because energy efficiency is beneficial to everyone, regardless of what part of the country they live in and regardless of their energy source. We can all benefit from energy efficiency. And those are the provisions that are in this legislation.

I will try not to repeat too much of what has already been said by Senator PORTMAN, Senator MURKOWSKI, and Senator CANTWELL about the bill, but I did want to go through a couple of the energy efficiency provisions that are in the legislation because it reduces the barriers to efficiency in a number of ways.

First, in buildings, it would strengthen outdated, voluntary national model building codes to make new homes and commercial buildings, which account for more than 40 percent of U.S. energy consumption. These provisions are especially important in this legislation because much of the savings in efficiency come from these national model building code provisions. Again, as Senator PORTMAN has said, these are not done through mandates, they are done through incentives, through our encouraging States to adopt these model building codes.

The energy efficiency provisions also deal with industrial efficiency. They assist the industrial manufacturing sector, which consumes more energy than any other sector of the U.S. economy. They help that sector implement efficient production technologies and would encourage the private sector to develop innovative energy-efficient technologies for industrial applications, to invest in a workforce that is trained to deploy energy efficiency practices to manufactures.

Finally, the other major section of the efficiency provisions from Portman-Shaheen deals with the Federal Government. We encourage the Federal Government—which is the Nation's largest energy consumer—to adopt more efficient building standards, to adopt smart metering technology, and to look at our data centers and see how we can reduce costs and energy use. Through doing that, not only can we save energy, but we can save taxpayers millions of dollars.

Just the energy efficiency provisions from Portman-Shaheen in the legislation would create nearly 200,000 jobs by 2030—a significant job creator in the bill. It would reduce carbon emissions by the equivalent of taking over 20 million cars off the road, and it would save consumers over $16 billion a year. There are significant benefits to this energy efficiency.

Again, as Senator PORTMAN has said, these are provisions that have brought together a very diverse group of stakeholders, everyone from the American Chemistry Council, to the National Wildlife Federation, as Senator PORTMAN said, the NRDC, the National Association of Manufacturers, and the U.S. Chamber of Commerce. This is a broad group of trade associations, labor organizations, and environmental groups who have come together because energy efficiency is something on which we can all agree.

I ask unanimous consent to have printed in the RECORD a number of letters that have been sent by many of these organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 20, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: We are writing to express our priorities for energy efficiency provisions in S. 2012, the Energy Policy Modernization Act of 2015. As you know, S. 2012 was approved by the U.S. Senate Committee on Energy and Natural Resources (ENR) with strong bipartisan support on July 30, 2015, under the leadership of Chairwoman Lisa Murkowski and Ranking Member Maria Cantwell. We encourage the Senate to take up S. 2012 with the following priorities in mind to help maintain bipartisan support and pass a bill that can be enacted into law.

First, S. 2012 should preserve and strengthen the role of the U.S. Department of Energy (DOE) in supporting and propagating updated building energy codes at the state and local level. In terms of energy and cost savings, as explained in more detail in the enclosed analysis prepared by the American Council for an Energy-Efficient Economy (ACEEE), U.S. homeowners and businesses stand to realize tremendous gains from state and local adoption of current building energy codes. U.S. DOE's role in code adoption is critical and S. 2012 (as reported) would lead to even greater savings over time. We support the building energy codes language currently included in S. 2012 and encourage in the strongest terms its inclusion in any comprehensive energy legislation considered by the Senate.

Second, we encourage the Senate to adopt provisions that would permit and encourage the inclusion of energy efficiency in the residential mortgage underwriting process. These provisions were first articulated in the Sensible Accounting to Value Energy (SAVE) Act, first introduced by Senators Johnny Isakson and Michael Bennett, and currently included in legislation that was also favorably reported by the Senate ENR Committee with strong bipartisan support. The SAVE Act would allow the commonsense consideration of energy efficiency during mortgage underwriting, which would help homeowners realize the true value of home improvements that improve comfort and generate savings. We would support an amendment to add the SAVE Act provisions to S. 2012.

Third, we urge the Senate to approve an amendment that would replace the current provisions relating to residential furnace standards in S. 2012 with language that matches Sec. 3123 of H.R. 8, the North American Energy Security and Infrastructure Act of 2015, which was approved by the House of Representatives on December 3, 2015. Unfortunately, at the last minute, apparently due to the time-crunch that typically accompanies a committee business meeting, language was added to S. 2012 that did not reflect a consensus reached by stakeholders. We would support an amendment to replace the current non-consensus furnace standard language in S. 2012 with the House-adopted consensus language that was developed over time and is broadly supported by stakeholders.

And fourth, we also support the retention of reauthorizations of the Weatherization Assistance Program and the State Energy Program in S. 2012. These provisions are critical for low-income Americans in all parts of the country and generate benefits across all sectors of the economy.

Energy efficiency is an energy resource—available to all homeowners and businesses—that is essential to our country's energy independence. More than half of the energy used today to power our economy is wasted, which represents an enormous opportunity for achieving savings and extracting gains in the energy productivity of our economy. The Senate now has an opportunity to pass comprehensive legislation, which currently enjoys strong bipartisan support, that would improve the energy efficiency of homes and commercial buildings in every town, city, county, and state; help consumers and businesses manage their energy consumption and realize returns on their investments; and generate meaningful savings for all Americans.

Thank you for your consideration.

Alliance to Save Energy, American Council for an Energy-Efficient Economy, ASHRAE, Association of Energy Engineers, Big Ass Solutions, Efficiency First, Energy Future Coalition, Environmental and Energy Study Institute, Home Performance Coalition, Institute for Market Transformation, International Association of Lighting Designers, International Copper Association, Ltd., Large Public Power Council, National Association of Energy Service Companies, North American Insulation Manufacturers Association, National Association of State Energy Officials, Sacramento Municipal Utility District, Schneider Electric, Seattle City Light, The Stella Group, Ltd., U.S. Green Building Council.

NAIOP, COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION,
Herndon, VA, January 27, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate, Washington, DC.

Re support for ''The Energy Policy Modernization Act of 2015'' (S. 2012).

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER REID: On behalf of NAIOP, the Commercial Real Estate Development Association, I write to express our strong support for ''The Energy Policy Modernization Act of 2015'' that passed the Energy and Natural Resources Committee with a bipartisan vote.

NAIOP is the leading organization for developers, owners, investors and related professionals in office, industrial, retail and mixed-use real estate, and comprises 18,000 members and 48 local chapters throughout the United States.

Specifically, we support the language that was drafted by Senators Rob Portman (R–OH) and Jeanne Shaheen (D–NH) and included in the energy efficiency title for buildings in the bill. We have worked with staff for a number of years on this issue, and we commend Senators Portman and Shaheen for facilitating the numerous discussions that took place with a variety of stakeholders. The latest version of this bill reflects a broad compromise on a host of efficiency measures that has increased support for this bipartisan legislation.

In order to create responsible building codes, economic feasibility and initial costs need to be considered with a realistic payback to the developer in order for energy efficiency gains to be viable. This legislation ensures that the Department of Energy will consider the recoupment of investment costs when developing efficiency targets, and allows for comment on those targets through a formal rulemaking.

We are thankful for the opportunity to represent the interests of the commercial real estate development industry throughout this process and feel strongly that this legislative approach is the best way for the federal government to promote energy efficiency in the built environment.

I respectfully urge you and your colleagues to pass this important legislation.

Sincerely,

THOMAS J. BISACQUINO,
President and CEO, NAIOP.

JANUARY 27, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR LEADERS MCCONNELL AND REID: We the undersigned businesses and trade associations are writing to express our strong support for the policies included in Energy Policy Modernization Act of 2015 (S. 2012) that promote energy efficiency in industrial, commercial, and residential applications and urge full Senate consideration early this year.

We support low to no-cost, no-mandate bills that advance energy efficiency, while preserving the critical role of government oversight. American taxpayers save money on their energy bills and businesses thrive when we reduce regulatory burdens, increase transparency, and focus on the federal government as a first mover. We believe that the energy efficiency provisions in S. 2012 will have a positive impact on the U.S. economy.

Our businesses, along with many trade associations, companies and advocacy organizations, have long supported common sense energy efficiency legislation, such as those sponsored over the last two Congresses by Senators Portman and Shaheen. We commend Chairman Murkowski and Senator Cantwell for including these provisions in S. 2012. We believe that the energy efficiency title of S. 2012, which passed out of Committee on an 18–4 vote, is a win-win approach that will reduce energy consumption, advance the adoption of new technologies, produce energy savings for businesses and families, and encourage private-sector job creation creating a stronger and more durable American economy.

Some of the sections we are most enthusiastic about include the federal energy related provisions and the building codes section, which was developed through a bipartisan, transparent process and does not include state mandates. We urge lawmakers to retain the current language supporting strong, updated model building energy codes. Several of the provisions we support have also been introduced as stand-alone legislation such as S. 869, the All-of-the-Above Federal Building Energy Conservation Act of 2015; S. 1046, the Smart Building Acceleration Act; S. 1054, the Smart Manufacturing Leadership Act; and S. 858, the Energy Savings Through Public Private Partnership Act. We would further ask that you include S. 1038, the Energy Star Program Integrity Act and the SAVE Act, which was included in The Energy Savings and Industrial Competitiveness Act (S. 720) reported out by the Energy and Natural Resources Committee last year, and is a voluntary means to improve residential energy efficiency and thereby save homeowners money.

We urge you to bring S. 2012 to the Senate for a vote early this year. It includes pragmatic, reasonable energy policies. Energy efficiency policies that enjoy strong bipartisan support, do not rely on an outlay of taxpayer

dollars, and do not impose mandates on consumers deserve prompt consideration by Congress.

Sincerely,

A.O. Smith Corporation, ABB Inc., Accella Performance Materials, American Chemistry Council, BASF, Big Ass Solutions, Bosch Group, Composite Lumber Manufacturers Association, Copper Development Association, Covestro, LLC, Danfoss, Dow Chemical Company, Extruded Polystyrene Foam Association, Federal Performance Contracting Coalition, Honeywell, Ingersoll Rand, Johnson Controls, Inc., National Association of Manufacturers, National Electrical Manufacturers Association, North American Insulation Manufacturers Association, Owens Corning, PPG Industries, Quadrant Urethane Technologies Corp., Roof Coatings Manufacturers Association, Schneider Electric, Siemens Corporation, Society for Maintenance and Reliability Professionals, SPI: The Plastics Industry Trade Association, The Brick Industry Association, U.S. Chamber of Commerce, United Technologies, Whirlpool Corporation.

Mrs. SHAHEEN. In closing, in a little while this afternoon, we will have a series of votes on amendments to the Energy Policy Modernization Act, and we will have a final vote for passage of the bill. I believe and it is certainly my hope that the broad package will pass. I think it has been far too long since Congress passed a comprehensive energy bill. It is time for us to work together to pass this important piece of legislation to improve our Nation's energy policies and to help grow our economy.

I believe there is support in the other Chamber, in the House, to take up this energy package and hopefully to pass it this year because it will improve our economy, it will improve our national security, and it will improve our environment. This is legislation we should all get behind.

Again, I thank my colleague Senator PORTMAN and applaud Senators CANTWELL and MURKOWSKI for all of the work they have done to bring this legislation to the floor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. HEINRICH. Madam President, I rise today to speak about this bipartisan energy package we are going to be voting on today. Last year my colleagues and I on the Senate Energy and Natural Resources Committee worked together to pass a package that received incredibly strong and bipartisan support at a time when that is hard to come by.

I think it is important to start my comments today by simply thanking the chair and ranking member of the Energy Committee, Senators MURKOWSKI and CANTWELL. As Senator PORTMAN mentioned, they showed incredible leadership and also incredible patience. That patience and persistence on behalf of all of us is now paying off.

My home State of New Mexico occupies a very central and interesting place in nearly every facet of our Nation's energy industry, including uranium enrichment, oil and gas production, refining, wind and solar energy, as well as the research and development of new energy technologies—technologies of the future that come out of our National Laboratories and our research universities. That is why I have been working so hard in the Senate to position New Mexico and our Nation to take maximum advantage of new, clean energy sources and innovative technologies and transmission, while intelligently utilizing our reserves of traditional fuels as well.

This package will be the first comprehensive Energy bill to pass the Senate since 2007. I would like to think that it shows that we can look for areas where both parties can work together even if we don't completely agree and, probably most importantly, when we don't completely agree and still move our national priorities and our energy policy forward.

This package also includes permanent reauthorization of the Land and Water Conservation Fund. LWCF is one of America's most successful conservation programs. It has preserved our outdoor heritage, protected clean air and precious supplies of drinking water, and supported jobs across this entire Nation. Permanent reauthorization of LWCF is a major victory for conservation. I will continue to fight to fully fund LWCF so that we can make strong and smart investments in our public lands.

I wish to particularly focus my remarks today on the Bipartisan Sportsmen's Act, which is a key part of this bill. The Sportsmen's Act has been a long time in the making. I am very proud to lead this bipartisan effort with the Energy and Natural Resources chair, LISA MURKOWSKI of Alaska. After attempts stalled on the sportsmen's bills in recent years, the Energy and Natural Resources Committee worked hard to find areas of agreement. We didn't allow controversial amendments from either side of the aisle to derail these efforts.

Hunting and fishing are an integral part of our American heritage. Without our public lands, that tradition would be lost to many westerners. Our public lands belong to all of the American people.

Like many New Mexicans, some of my favorite memories with my family are from camping, fishing, hiking, and hunting in New Mexico's national forests and on our Bureau of Land Management land. I will always remember taking my son Carter on his first backcountry elk hunting trip in the Carson National Forest. The bull elk that we brought home fed our family for a year, but that experience of backpacking in the high country, sleeping on the ground, and hearing the elk bugle around us will feed his imagination for his entire life. I look forward to having that same sort of experience with his younger brother, Micah.

These traditions—hunting, hiking, camping, and fishing—are among the pillars of western culture and a thriving outdoor industry and recreation economy.

This bipartisan package of sportsmen's bills includes a broad array of measures to enhance opportunities for hunters, anglers, and outdoor recreational enthusiasts of all stripes. It improves access to those public lands, and it reauthorizes critical conservation programs. These programs include the North American Wetlands Conservation Act, or NAWCA, which provides grants to organizations, State and local governments, and private landowners for the acquisition, restoration, and enhancement of critical wetlands for migratory birds—a program that every duck hunter and birder in the United States can agree on; and the National Fish Habitat Conservation Program, which encourages partnerships among public agencies, tribes, sportsmen, private landowners, and other stakeholders to promote fish conservation.

It reauthorizes the Federal Land Transaction Facilitation Act to direct revenue from the sale of public land to the acquisition of high-priority conservation land from willing sellers to expand fish and wildlife habitat and public recreational opportunities.

Further, this bipartisan package will help boost the outdoor recreation economy writ large. Nationally, according to the Outdoor Industry Association, more than 140 million Americans make their living or make outdoor recreation a priority in their daily lives. When they do that, they end up spending $646 billion on outdoor recreation, resulting in quality jobs for another 6.1 million Americans.

In New Mexico—a small State with just 2 million people—outdoor recreation generates more than $6 billion a year. It provides 68,000 jobs and $1.7 billion in wages and salaries.

A survey done recently by New Mexico Game and Fish found that sportsmen alone spend more than $613 million a year in the State annually. That is an incredible contribution to our local economy. This boost to our economy is felt by small business owners, and it is felt by outfitter guides, hotels, restaurants, and the entire local community, especially in rural areas where we need it most.

Yet, for far too many hunters and anglers, it gets harder and harder each year to find a quiet fishing hole to fish for trout or a secluded meadow to chase elk. As sportsmen face more and more locked gates and more ''no trespassing'' signs, it is more important than ever that we keep our public lands open and welcoming to hunters and anglers. I have heard from sportsmen who have found roads on BLM lands closed to public access without notice. I myself have experienced the frustration of running into a locked gate on roads that used to be open and even maintained by public agencies.

As opportunities for hunting and fishing shrink, we could lose the next generation of hunters and anglers who will fund tens of billions dollars in conservation and restoration through things such as purchasing Duck Stamps, paying the taxes on ammunition, tackle, and motorboat fuel—all of which are dedicated directly to the conservation of fish and wildlife.

This bipartisan sportsmen's package will go a long way toward solving many of these problems—many of the problems that hunters and anglers face in accessing and using our Nation's incredible public lands. I am particularly pleased that the package includes my legislation, the HUNT Act, which requires public land agencies such as the Forest Service and BLM to identify high-priority, landlocked public lands under their management that currently lack legal public access.

Landlocked public lands are technically open to the public but are sometimes literally impossible to reach unless you own a helicopter because there are no public trails, no public roads leading to them. Under the HUNT Act, Federal agencies such as the BLM and the Forest Service are required to work with States, tribes, and willing private landowners to provide public access to those landlocked areas that have a significant potential for hunting, fishing, and other recreational uses.

A study by the Center for Western Priorities estimated that at least half a million acres of public lands in New Mexico are currently landlocked with difficult legal public access. The HUNT Act is the first dedicated effort to reopen these lands to their owners. Public lands such as the Gila Wilderness, Valles Caldera National Preserve, and the Rio Grande del Norte National Monument are some of the most special places to hunt and fish on the planet. These are the places that make New Mexico so enchanting and make our country so special.

I am incredibly excited to see that this natural resources amendment also includes the establishment of two new wilderness areas within the Rio Grande del Norte National Monument northwest of Taos, NM. New Mexicans have a deep connection to the outdoors and benefit from the recreation, wildlife, water, and tourism opportunities that wilderness areas provide.

For many years now, an incredibly broad coalition of northern New Mexicans has worked to conserve the Rio San Antonio and Cerro del Yuta, or Ute Mountain, areas. What is even more special about Ute Mountain is, while today it is managed by the Bureau of Land Management, this is actually a place that the Land and Water Conservation Fund helped put in the public trust. I have no doubt that future generations will be grateful for the many years of work and support that not only make these two new wilderness areas possible but make access to special places like this possible.

These two roadless areas provide important security habitats for elk, mule deer, black bears, golden eagles, and even American pronghorn. I want to say a special thanks to the local community—people who have worked for decades to put this proposal together—as well as to Senator TOM UDALL, my colleague from New Mexico, and former Senator Jeff Bingaman, for their incredible leadership as well.

Designating these two new wilderness areas completes a national example of community-driven, landscape-scale conservation that will preserve the culture, the natural resources, and the economy of this incredibly stunning piece of New Mexico.

I am proud to work with my colleagues on both sides of the aisle today to make sure we are making the best use of our energy and natural resources. I am hopeful that, thanks to our vote today, our kids and our grandkids will be catching trout and chasing mule deer on our Nation's incredible public lands for many years to come.

I urge all of my colleagues to support this legislation. This was many years in the making. It was difficult. It required an enormous amount of compromise to get here, but it is an accomplishment worthy of that effort, and I urge my colleagues to vote aye.

Madam President, I also wish to discuss an important component addressed in this bipartisan energy package: critical minerals retrieval from electronics and technological waste.

I am proud of the work accomplished in the Energy and Natural Resources Committee and what we have achieved at this point to move this bill forward. I would like to thank Senator MURKOWSKI, along with Senator WYDEN, for taking a lead on these issues and getting support for rare earth mineral recycling adopted into the legislation.

This piece of the legislation provides an important solution—recycling—to reducing electronics waste while ensuring our Nation has the rare earth minerals to meet demand for new technologies. While the average American may not have this issue on their radar, it addresses two major problems.

First, electronics waste is an international issue that is only growing in magnitude as consumers obtain the latest devices—from smartphones to automobiles. The United Nations reported last year that 90 percent of the world's supply of electronic waste is illegally traded and dumped, imperiling lives and the environment. And more unfortunately, the United States generates 3.4 million tons of waste each year.

Second, rare earth minerals are crucial components of almost all of the latest consumer technologies, such as hybrid cars, flat panel televisions, and wind turbines. In 2014, the United States imported at least 50 percent of 43 different minerals. The overwhelming majority of the rare earth reserves and production are located in China. Should a supply disruption occur in China, it will be our manufacturers, consumers, and everyone who depends on the latest technologies for their livelihoods who will suffer the consequences.

Section 3307 of the pending legislation directs the Secretary of Energy to establish a program with Federal agencies, National Laboratories, producers, academic institutions, and other concerned stakeholders aimed at promoting efficient production, use, and recycling of critical minerals. Section 3308 directs the Secretary of Energy to put together a comprehensive analysis on rare earth mineral supply and demand over multiple years, and section 3309 establishes an assessment for the education and training of our workforces in manufacturing, development, and recycling of rare earth minerals. Higher education institutions would be able to apply for competitive grants to help assist in this important critical mineral program work.

By providing support for electronics recycling, we are taking necessary steps to provide economic security, while remediating an international economic and environmental problem.

It is important that bipartisanship does not stop with the Energy Policy Modernization Act, but that we continue to support and incorporate technological development, create job opportunities for our workers, and make our world a better one for future generations.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3787 TO AMENDMENT NO. 2953

(Purpose: To provide for the establishment of free market enterprise zones in order to help facilitate the creation of new jobs, entrepreneurial opportunities, enhanced and renewed educational opportunities, and increased community involvement in bankrupt or economically distressed areas.)

Mr. PAUL. Mr. President, I call up my amendment No. 3787.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 3787 to amendment No. 2953.

Mr. PAUL. 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 the RECORD of April 13, 2016, under ''Text of Amendments.'')

Mr. PAUL. Madam President, I rise today to offer the largest, most sweeping anti-poverty legislation since LBJ began the War on Poverty. This legislation, if passed, would return $100 billion to areas of poverty and high unemployment in our country—areas that have been devastated by chronic unemployment and poverty. Communities like Eastern Kentucky that have been devastated by the President's war on coal would be rescued. Communities

like Flint, MI, where the water is unsafe to drink, would be restored. Communities like Ferguson, the South Side of Chicago, and the West End of Louisville would be given a chance to find the American dream if this legislation is passed.

My legislation is not a gift or a grant; my legislation simply allows $100 billion to remain in the hands of those who earned it. My legislation will provide incentive for businesses and capital to return to areas overwhelmed by chronic poverty and unemployment.

We are just past the 50-year mark on the War on Poverty. Sadly, 50 years later, we are still fighting that war, and every one of our States still has areas of high unemployment and poverty.

I think it is time we try something different: an approach that harnesses the ingenuity and the hard work of individuals, families, and businesses in our most afflicted communities; an approach that invites new investment to these communities; an approach that is free from government bailouts and bureaucrats picking winners and losers; an approach that provides hope and opportunity.

Economic freedom zones will be the largest anti-poverty program since the War on Poverty. Economic freedom zones are areas of reduced taxes and reduced regulations that increase incentives for business to come into these poor communities. This is about much more than a government stimulus or a handout. This legislation will empower communities by leveraging the human capital, natural resources, and business investment opportunities that already exist.

Reducing taxes in economically distressed areas is a stimulus that will work because the money is returned to businesses and individuals who have already proved they can succeed. This isn't government picking whom to give the money to; this is returning the money to those who have earned it and trying to get those businesses to expand.

Cities and counties will be designated as ''economic freedom zones'' if local unemployment is 50 percent above the national average or if poverty is 30 percent above the national average. Localities that are bankrupt—such as Detroit or Flint—or are in danger of bankruptcy are also eligible in order to attract new investment and economic activity that will help shore up the local finances without the need for a bailout. By slashing the Federal tax rate to 5 percent for a 10-year period, we can finally incentivize more businesses to locate in our struggling communities and provide more jobs and opportunities.

My plan leaves the hard-earned dollars of those of the community right there in the community. Instead of sending your money to Washington and begging to get some back, we leave it in your community to stimulate job production and economic growth in your community. It doesn't come to Washington, where politicians often pick the winners and losers; it stays with the community, where the consumers decide who succeeds.

Economic freedom zones will work where Big Government has failed because the money will remain in the hands of people whom local consumers have voted most able to run a business. Whereas big government programs often send money to people who are unable to run a business, who have no proven track record—think of Solyndra; we gave $500 million to people who didn't have a good business plan—economic freedom zones return the money to businesses and the individuals who have already proved they can run a successful business.

The President's big government stimulus plan was funded by debt. It didn't work because government always fails to identify profitable uses for capital, whereas returning capital to those who originally earned it will provide a stimulus that is exponentially bigger.

In the eastern part of Kentucky, this legislation would provide over half a billion dollars each year in much needed capital. In West Louisville, this legislation would provide an annual infusion of over $200 million. More importantly, this legislation will provide hope and opportunity where very little optimism currently exists.

For Detroit, it would mean that an extra $368 million stays in Detroit, in the hands of the families who earned it, and it will be spent locally. Businesses that have demonstrated success will be able to hire new employees. Businesses that move to the area and hire employees will be able to take advantage of these low tax rates and will be welcomed and encouraged to come to the community by the attraction of these low tax rates.

Flint—a city you see in the news every day—which is struggling even to keep clean water, will see an immediate cash infusion of $124 million if my bill were to pass. As business returns to Flint, as the local economy begins to grow, so too will the ability of local government to finance their infrastructure. This legislation will help the city's economy recover and its families have more of their own money to spend on their own needs. We skip the middleman. Don't send the money to Washington. If you want to help poor communities in our country, leave the money there. Skip the middleman; don't send to it Washington.

Economic freedom zones will mean an extra $452 million a year left in Baltimore and $1.5 billion left in Chicago. These economic effects will be real and will be felt immediately. Economic freedom zones will also provide other reforms that set the stage for medium- and long-term growth. We will lift some of the most anti-growth regulatory burdens. We will allow Federal permitting for construction projects. We will allow this permitting process to be streamlined so we can rebuild our cities.

Regulations that artificially drive up labor costs so public projects cost 20 percent, 30 percent more than private projects—we will eliminate these rules to allow your tax dollars to go further. We will also encourage foreign investment to bring jobs back to these chronic areas of poverty and unemployment. Outside investment into local education and social services will be encouraged. To set the stage for continuous growth and opportunity for the next generation, educational reforms will allow parents to move their children out of failing schools and into the school of their choice.

The War on Poverty has been going on for over 50 years, and it often seems as though poverty is winning. They say the definition of insanity is trying the same thing over and over again and expecting a different result. Big government programs have not cured poverty. In fact, some would argue they have made it worse. Isn't it time we tried something different?

Today the Senate will have a chance to try something different. Today the Senate will have an opportunity to begin the rebuilding of America. I urge my colleagues to vote for economic freedom zones.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise to voice my support for the passage of the Energy Policy Modernization Act. I am pleased the Senate is considering and on the verge of passing legislation to update our Nation's energy policy. I thank Chairwoman MURKOWSKI, Ranking Member CANTWELL, and their staffs for their hard work in getting this bill to the floor of the Senate.

The Energy Policy Modernization Act is a good bill, but it is not a perfect bill. It is a compromised piece of legislation, and it does contain provisions I do not support, such as expediting the export of liquid natural gas, which I am concerned could raise domestic energy prices and harm steelworkers in northern Minnesota, but there are also a number of important provisions I do support.

Congress has not passed a comprehensive energy bill since 2007, and a lot has changed in the energy sector since then. I believe comprehensive energy legislation needs to promote innovation, deploy clean energy technology, reduce greenhouse gases, and create good-paying jobs. The energy efficiency title of this bill will help produce electricity use, save consumers money, and increase our competitiveness through commonsense measures such as updating building codes. The bill permanently reauthorizes the Land and Water Conservation Fund to ensure that we preserve our natural resources for generations to come. It also invests billions of dollars in science and innovation through the

reauthorization of ARPA-E and the DOE Office of Science. These are the types of investments we will need to transform our energy system, an energy system that has been powered by dirty fossil fuels but is increasingly powered by clean, renewable technologies.

This bill also includes a provision I authored with Ranking Member CANTWELL to invest $50 million per year in energy storage research and development. Energy storage will pay a crucial role in helping unlock substantial new renewable energy resources. As you know, the Sun shines during the day and the wind blows more at night. Balancing these intermittent resources can be a challenge for energy providers, and this is where I see storage playing a critical role in ensuring that our electricity generation meets our demand. While storage technology has been around for a long time, we need the next generation of technologies for cost-effective implementation at the grid scale. This investment will spur innovation at universities and in the private sector to help get us where we need to be.

Investing in energy storage will also position the United States to lead in exporting these technologies to power-hungry countries around the world. Take India, for example. India's goal is to deploy 100 gigawatts of new solar power by 2022—a truly impressive target. As India and other countries build economies based on renewable energy, they will need storage technologies to turn intermittent solar energy into baseload power. I want America to develop and manufacture these storage technologies which will create jobs and lower emissions at the same time.

Energy storage also has the benefit of making our grid more resilient. According to the Department of Energy's 2015 Quadrennial Energy Review, weather was responsible for half of the reported grid outages between 2011 and 2014 when customers went without power, and with the climate changing, it is essential we minimize the impact of weather-related grid outages on American households and businesses. Additional storage capacity will do just that—improving resilience to all types of grid disruption and allowing us to keep the lights on.

I also worked on a provision in this bill to reauthorize the DOE Office of Indian Energy. This office provides education, training, technical assistance, and grants to American Indian tribes and Alaska Native villages that are looking to develop energy projects. Since 2002, this office has provided $50 million for almost 200 renewable energy and energy-efficiency projects in Indian Country. We want to build on this momentum and continue this successful program. I am pleased we have extended the authorization of this office for another 10 years.

This Friday more than 100 nations will come together in New York to sign the Paris Agreement to reduce greenhouse gas emissions and combat climate change. While commitments to reducing emissions are important, they must be followed by real action to reduce our carbon footprint. The Energy bill we are debating takes an important step forward in doing just that, but of course we cannot stop here. Climate change is an existential threat to our planet and future generations. As a country, we must continue to expand clean energy and reduce greenhouse gases. I hope we can continue to build on the bipartisan work we did with this bill to do just that.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3312 TO AMENDMENT NO. 2953

Mr. UDALL. Mr. President, first I wish to thank and congratulate Chairman LISA MURKOWSKI and Ranking Member MARIA CANTWELL for all their hard work and leadership on this Energy bill. They have done a very good job of getting this bill to the floor, and we now find ourselves in the position to offer amendments, which I am here to do. I think all of us are very happy to be able to be moving this legislation along and amending it.

My amendment is a very simple study amendment. It directs the Secretary of the Treasury to study and submit a report to Congress on potential clean energy victory bonds. This amendment is pro-clean energy. It changes no rules, it does not mandate any actual bonds, and being a study it does not score or impact the budget.

Citizens across this country want to see a cleaner energy future. They are doing their part to conserve energy, purchase cleaner energy, and invest in clean energy mutual funds. They are doing this on a voluntary basis. It is having a big impact and pushing clean energy technologies forward in a rather dramatic way, but we also understand our energy challenges are broad and require large-scale investments by many investors.

We can harness and keep it voluntary without any cost to taxpayers through clean energy victory bonds. The Federal Government is our Nation's largest energy consumer, with more than 350,000 buildings and 600,000 road vehicles. Think about your own electricity bill that you pay each month and the gas you buy at the pump. The U.S. Government has to pay such bills as well to the tune of over $20 billion each year. Most of that, about two-thirds, is for petroleum.

The Federal Government wants to cut its bills too. We invest in clean energy through energy efficiency upgrades and through power purchase agreements for cleaner energy and stable, predictable energy prices. The government has a choice about these options just as private citizens do. Private citizens can choose the types of energy they purchase for their homes and their businesses, and many opt for wind power, solar power, or other clean energy sources, or they install energy-efficient windows and appliances. Many tell me they want to help our government make these choices as well. Clean energy victory bonds could help us move in that direction. By purchasing a Treasury bond specifically devoted to clean energy, Americans can help the government supplement its energy purchases with energy efficiency upgrades and clean energy decisions. These investments could provide additional support to existing Federal financing programs already available to States for energy efficiency upgrades and clean energy. What is exciting about this option is that smart investments can help pay for themselves and bring a return on investment to people who purchase these bonds. That is why we think it is so important to study this option. It is a simple financial instrument that is a win for people saving money and a win for reducing the government's energy bill and it is all on a voluntary basis.

During the First and Second World Wars, our country faced threats we had never faced before. We rose to the challenge and gave it everything we had. Everyone contributed, and for many that included investing in victory bonds. They helped pay for the cost of the war—$185 billion. That would be over $2 trillion today. Folks lined up to buy those bonds. That is the spirit of the American people—to pull together. It was true then and it is still true today.

We face a very different challenge today. Our energy challenges are seen on multiple fronts, from the impacts to our environment to our global and international struggles based on our dependence on foreign oil. Citizens want to unite and contribute. They want investments in homegrown American clean energy. Many cannot afford to buy solar panels for their own homes or invest $1,000 minimums to buy clean energy mutual funds, but many can afford $25 for a clean energy victory bond.

This amendment asks the Secretary of the Treasury to help inform Congress on the feasibility and structure of developing such a tool. It has broad support from groups such as the American Sustainable Business Council, Green America, the American Wind Energy Association, Ceres, the Union of Concerned Scientists, and many other groups. It has broad support out there.

Mr. President, I ask to call up my amendment No. 3312 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 3312 to amendment No. 2953.

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to develop a plan for issuance of Clean Energy Victory Bonds)

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY VICTORY BONDS.

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the ''Clean Energy Victory Bonds Program'').

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than $25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than $50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term ''clean energy project'' means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

Mr. UDALL. I thank the Presiding Officer and will yield the floor. I know Senators Bennet and Isakson are here. They are both great leaders when it comes to clean energy and working on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Udall amendment No. 3312.

AMENDMENT NO. 3202 TO AMENDMENT NO. 2953

(Purpose: To improve the accuracy of mortgage underwriting used by the Federal Housing Administration by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.)

Mr. ISAKSON. Mr. President, I ask to call up the Isakson-Bennet amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 3202 to amendment No. 2953.

(The amendment is printed in the RECORD of February 2, 2016, under ''Text of Amendments.'')

Mr. ISAKSON. Mr. President, I am delighted to rise in favor of the Isakson-Bennet amendment, the SAVE Act, and glad to acknowledge my hard work with MICHAEL BENNET, who has been a great partner in this effort.

I particularly want to acknowledge the patience of Senators Cantwell and Murkowski in allowing this bill and amendment to come forward. They have exemplified the type of patience that is necessary to do legislative work and do it well.

Very simply, this bill allows the Federal Housing Administration, in the underwriting of a mortgage loan for a family applying for that loan, to consider in the value of the appraisal, the enhanced over-minimum standards that are put in for insulation and the enhanced over-minimum standard savings that come to the consumer from those energy standards being put in. So the borrower gets credit as if it is income from the savings that comes from putting in the insulation for the higher standards. The value of the property is enhanced in order for the borrower to be able to pay for the enhancements, and they are permanent. It is a win-win-win proposition.

Why are we doing this? It already worked in the United States. It worked in the 1980s when the savings and loan industry made most of the mortgage loans. In Georgia, we had a program called Good Sense Housing. If you put in enhanced energy savings, you were given credit toward qualification on your loan. When we put them in, we had better thermal windowpanes, better results, and less consumption.

This a good amendment that allows consumers to get what they want and allows Americans to enjoy more energy-efficient housing.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to thank the Senator from Georgia for his tireless work on this bill. We have been at it now for 3 years, and here we are on the floor close to passing it. There is not a Senator in this body who possesses the knowledge that Senator ISAKSON does about real estate and how it works in the United States. It has been a real privilege to work with him on the bill.

I also wish to thank the chairwoman and the ranking member of the committee for their fine work on this bill.

It is time to enact this commonsense bill, the SAFE Act, as it is called. It is supported by groups all across the political spectrum, including the Chamber of Commerce, the National Association of Manufacturers, the Sierra Club, and the Natural Resources Defense Council.

Our amendment, as Senator ISAKSON said, would allow for a home's energy efficiency to be considered when a borrower applies for a loan. So when you apply for a mortgage, you can request an energy audit, and if you have a loan backed by the Federal Housing Administration, the energy efficiency of your new home and your future energy bills will be taken into account by your mortgage lender. Why is that important? Well, today, even though homeowners spend more money on energy than they do on taxes or buying home insurance, energy costs are not taken into account. And when they are taken into account, as a consequence of this bill, the savings derived from that energy efficiency can then be applied to paying your mortgage.

I want to be clear—and Senator ISAKSON said this—this amendment is not a mandate. It simply sets up a voluntary program.

It will create thousands of jobs in manufacturing and construction. By 2040, the estimates are that it will save consumers $1.2 billion in energy costs and save enough energy to power 100,000 homes every year.

I have heard from builders all across Colorado who support this amendment—people like Gene Myers, CEO and founder of Thrive Home Builders in Denver. He has built more than 1,000 energy-efficient homes, but he understands that we won't fully attain the benefits of efficiency in the market until we properly value it.

For these reasons, a large and diverse coalition supports this amendment.

I urge my colleagues to support this commonsense amendment to improve energy efficiency, save money, and create American jobs.

Mr. President, I yield to the Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank Senator BENNET for his support, and I urge each Member of the Senate today to vote favorably for the SAVE Act and favorably for the end legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. 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. DAINES. 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. DAINES. Mr. President, today we will take steps to secure our Montana heritage and ''Made in Montana'' jobs. We will stand up for the Montana way of life.

Today we will pass a bill that for the first time would permanently reauthorize the Land and Water Conservation

Fund, an important piece of legislation ensuring that Montanans have access to public lands.

As a fifth generation Montanan and avid sportsman, I recognize how valuable public lands are and the importance of ensuring access for generations to come. In fact, during the summer recesses, when many Senators are traveling around the world, there is no better place that I like to be than the back country of Montana, like I was last summer with my wife, my son, and our dog Ruby in the Beartooth Wilderness. In Montana and throughout the country, the Land and Water Conservation Fund plays a critical role in achieving the goal of increased access and by helping to preserve and protect Montanans' opportunities to enjoy hunting, fishing, and other outdoor recreation.

LWCF keeps lands, like family ranches, in the family and working. It keeps forests in productive use through the Forest Legacy Program, such as in the Haskill Basin, where my good friend Chuck Roady of Stoltze Land and Lumber works. Today will be a victory for them—like Eric Grove of Great Divide Cyclery in Helena, MT, who has built his mountain bike business around the South Hills Trail System outside of Helena, facilitated by LWCF.

There are many other small businesses like Eric's in Montana that depend on our thriving outdoor economy.

This bill will also streamline the permitting for the export of liquefied natural gas, allowing more American energy to power the world.

Montana is the fifth largest producer of hydropower in the Nation, and we have 23 hydroelectric dams. This bill strengthens our Nation's hydropower development by defining hydro as a renewable fuel. Only in Washington, DC, would hydro not be defined as a renewable source of energy. I am glad to see we will get that cleared up with this bill today. This is great news for Montana, and it is well overdue.

This energy bill will establish a pilot project to streamline drilling permits if less than 25 percent of the minerals within the spacing unit are Federal minerals. That is of particular importance to Montana, given the patchwork of land and mineral ownership in the Bakken.

This bill will improve Federal permitting of critical and strategic mineral production, which supports thousands of good-paying Montana jobs and is essential to our national security and international competitiveness. The absence of just one critical mineral or metal could disrupt entire technologies, entire industries, and create a ripple effect throughout our entire economy.

For example, Stillwater mines in Montana is one of the only sources of palladium and platinum in the world. Currently, the United States has one of the longest and most arduous permitting processes for critical minerals in the world. This bill helps address those concerns.

Metal and nonmetal mining also has directly created more than 16,000 good-paying Montana jobs. In fact, mining overall helps support more than 22,000 jobs across Montana.

In Montana, energy supports thousands of good-paying jobs for union workers, for tribal members. Access to our State's one-of-a-kind public lands is critical to our State's tourism economy and our way of life. We in Montana say we work, but we also like to play, striking the right balance towards responsible natural resource development as well as protecting our public lands.

With today's passage of the energy bill, we will help unleash Montana's and our country's energy potential and uphold our country's commitment to conservation.

I urge adoption of the bill and commend Chairman MURKOWSKI for her leadership.

Thank you, 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.

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

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

AMENDMENT NO. 3210 TO AMENDMENT NO. 2953

Mr. LANKFORD. Mr. President, I call up my amendment No. 3210 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. LANKFORD] proposes an amendment numbered 3210 to amendment No. 2953.

The amendment is as follows:

(Purpose: To add provisions relating to acquisition of Federal land under the Land and Water Conservation Fund)

On page 426, after line 23, add the following:

(e) CERTAIN LAND ACQUISITION REQUIREMENTS.—Section 200306 of title 54, United States Code (as amended by subsection (d)), is amended by adding at the end the following:

''(e) NON-ROAD DEFERRED MAINTENANCE BACKLOG.—If the non-road deferred maintenance backlog on Federal land is greater than $1,000,000,000, acquisitions of land under this section may not exceed the level of deferred maintenance backlog funding.

''(f) MAINTENANCE NEEDS.—In making an acquisition of land under this section, funds appropriated for the acquisition shall include any funds necessary to address maintenance needs at the time of acquisition on the acquired land.

''(g) CONGRESSIONAL APPROVAL OF CERTAIN LAND ACQUISITIONS.—For any acquisition of land under this section for which the cost of the land is greater than $50,000 per acre—

''(1) before acquiring the land, the Secretary shall submit to Congress a report that describes the land proposed to be acquired; and

''(2) no acquisition may be made unless the proposed acquisition is—

''(A) reported to Congress in accordance with paragraph (1); and

''(B) approved by the enactment of a bill or joint resolution.''.

Mr. LANKFORD. Mr. President, there are a lot of good things in this bill that we are discussing. There are a lot of good amendments that have been brought to the floor.

There has been an awful lot of conversation over the past year about a program called the Land and Water Conservation Fund. It is a straightforward program that has been around for a long time. It takes money from revenue from offshore oil drilling and it uses that money to purchase land, usually next to a national park or in other areas, and that becomes Federal land.

The problem is that over the decades we have continued to accumulate more money in the Land and Water Conservation Fund and we have continued to accumulate more land onto the Federal roll but we are not taking care of what we have.

The issue with this particular version of the Land and Water Conservation Fund is that it is not a short-term extension the way it has always been in the past; it is a permanent program put in place—permanent meaning there are no changes. So permanently we put in a structure that continues to purchase Federal lands without maintaining those lands. We all know it. We all see it.

Year after year, everyone has said we should add more to maintenance, but year after year we just buy more land using the Land and Water Conservation Fund and never use other budget funds for maintenance because, quite frankly, there are a lot of other vital Federal issues that need to be paid for.

The simple solution to this is to take the money from the Land and Water Conservation Fund and make sure that one simple thing is done: that when we purchase land, we also maintain that land with that funding. We also take care of the backlog.

This amendment is very straightforward: We use 50 percent to purchase land and 50 percent to maintain the land until we at least get down to a $1 billion backlog, and then we can reconsider. A $1 billion backlog is the goal. In some ways, this has become controversial. I can't believe it would be controversial to say: Let's try to work our Nation down to only a $1 billion backlog in our maintenance for all our Federal facilities.

We have record attendance at our national parks. They are beautiful national treasures, but if we can't maintain them, then we reinforce what is already true: that the Federal Government is the largest landowner, largest land controller, and the worst landowner in the country. Federal lands are maintained the least of any other large holder of land. Let's fix it.

This doesn't take away the Land and Water Conservation Fund; this makes sure we take care of what we have. When we purchase land and bring it in, we make sure we also set aside money to fix it. Frankly, it is straightforward.

Today my daughter turns 16 years old. She will at some point get a used car. I am sure it will be a doozy—we are thinking somewhere around a 1978 Volvo. Nice and tough. Indestructible. At some point she will end up with a used car, but the requirement is that she has to be a part of the purchase of it. When we buy that car, we will not use everything in our savings account, nor will we allow her to use all of her savings account. She has to have enough money to be able to put gas in it and maintain it when it breaks down because it is a car and it will break down. This change in the Land and Water Conservation Fund is as simple as that. Whenever we put new land in the inventory, we make sure we have money set aside to make sure we can actually take care of it. Why have a car if you can't put gas in it? Why continue to add land year after year if we are not going to maintain it? That is not good stewardship of our resources; that is bad stewardship of our resources.

This amendment says that before we make this program permanent, let's fix the structure of this program to make sure we are also watching out for the program long term as well.

One other quick note. Some of the land that has been purchased has been purchased for very high amounts, such as $1-million-per-acre types of amounts. This amendment puts a simple block in it that says: Before there is a purchase of land for more than $50,000 an acre, run that through Congress to make sure someone has had a second look at that. It is a straightforward provision to make sure the Federal taxpayer is not paying more than they should per acre for land in the Federal inventory.

I would urge the adoption of this amendment. This doesn't kill the program; it enhances the program. It allows us to take better care of our Federal land and to engage with that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, before we go to the votes that have been scheduled on this bill, I wanted to take a few more minutes. I mentioned some of our colleagues from the Energy Committee and some of their contributions, but I wanted to mention a couple of other provisions that are in this underlying bill and to thank our colleagues for their hard work, Senator WYDEN particularly for his focus on renewable energy technologies, such as marine and hydrokinetic and geothermal. These are important provisions because they are going to help us gain a foothold in very important areas of this development. I thank him for his contribution.

I mentioned energy storage earlier, and in committee our colleagues dealt with this a lot, but Senators FRANKEN, HEINRICH, HIRONO, and KING all made significant contributions on the modernization of the grid and grid storage, as my colleague from Alaska knows, on how to plan for microgrid activity—and Senator HIRONO, because she has a very unique State that she represents, Hawaii. Having an integration of those activities into the grid is very important. I thank them for their contributions on making our electricity grid more distributed and integrating in some of the renewable energies and making sure that our grid has the flexibility to do that.

Senator KING has certainly worked hard to ensure that distributed generation gets a fair shake in the marketplace and to make sure that consumers are treated fairly. This is a subject our committee will continue to work on. I am sure we are going to hear about it. For those individual homeowners who are making investments in solar energy, we want to make sure they are not unfairly treated by their own utilities in how that solar development plays out. They don't want to be overcharged for the development of solar, if they want to put solar on their homes. They are willing to be part of the solution; they don't want to be the funder of the whole solution. I think Senator KING is rightly concerned about how distributed generation gets a fair shake.

I thank Senator FRANKEN. He was out here on the floor, and he was a key proponent of the Department of Energy science and investment in the areas of energy storage and generation, and he has been a very strong voice on why storage is so important. And as I mentioned, Washington being a hydro State and having a variety of renewable energies, having storage capability is very important for us in the Pacific Northwest.

Senator FRANKEN is also a very strong voice in how energy programs are going to work in the tribal areas of our country. I thank him for that.

I also thank Senator MANCHIN for working with Senator HEINRICH and Senator MURKOWSKI on the bipartisan sportsmen's package that is included in this bill, which is something that the Senate—well, let's just say that we had a lot of discussion about the sportsmen's bill over many Congresses, so the fact that we are actually passing a comprehensive sportsmen's package is a great testament to the work of our committee and the work of the Senate in a bipartisan fashion.

I thank Senator WARREN for her focus on transparency in energy commodity markets and ensuring that consumers' interests are there, particularly when it comes to global natural gas markets, and making sure we are well informed about what is happening in the marketplace. These are all important because we want to have enough transparency that the consumers and the government know what is happening and that we never run into the kind of situation we did before with the manipulation of markets because of very tight markets and people taking advantage of that.

I appreciate all of the committee members on our side of the aisle and their contributions, and I certainly appreciate working on these issues with the chair of the committee and many members.

I thank Senator STABENOW and Senator PETERS. I know we tried for many weeks to work on a solution to the Flint issue. The chair, Senator MURKOWSKI, was very efficient in trying to marshal the discussions on her side of the aisle about how to get a resolution to this issue. I thank her for that. I know our colleagues, Senators STABENOW and PETERS, will continue to work on finding solutions to this, so I thank them for that, and I thank them for their leadership on manufacturing and vehicle technology as well.

Again, I know we are going to start voting, but I can't emphasize enough how much material is in the underlying bill, the amendments we cleared earlier by voice vote, and the amendments we are going to vote on. This is a lot of work, and I want to again thank the staff for continuing to process a lot of ideas about energy policies, land conservation policies, and workforce and energy issues for the future because all of these are vital policies for us—modernizing our energy infrastructure and making sure we continue to protect consumers and businesses and making sure we are going to be competitive in the future.

I again thank the chair for her leadership on this issue and look forward to processing the rest of these amendments.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, as my colleague on the committee pointed out, many individuals have made great effort and have made very positive contributions toward where we are today with this Energy bill. I wanted to note very quickly some of the groups who have weighed in throughout the process as we have sought input in different sectors across the energy space and really across the broader economy for some of the ideas in efficiency, supply, infrastructure, and accountability. When we look at the list of those organizations from around the country in different areas, I have a seven-page, single-spaced list in very small type of those who have weighed in in support of the measures we have in front of us today. From my State, it is everyone from the Department of Natural Resources, to the Alaska Power Association, the Bristol Bay Native Corporation, the Cordova Electric Co-op, and a whole bunch more.

At the national level, we have support from the U.S. Chamber of Commerce, the American Chemistry Council, the National Electric Manufacturers Association, the Alliance of Automobile Manufacturers—and I am picking randomly.

We have support from labor groups—North America's Building Trades Union, the United Auto Workers, the

United Brotherhood of Carpenters—who all weighed in with support for ideas that are included.

We have a huge coalition—from the Alliance to Save Energy, to Seattle City Light—that have focused on the work we have done with efficiency.

When we think about those who are focused on keeping the lights on, keeping fuel affordable, those who produce the materials that make modern life possible, groups such as the National Hydropower Association, the American Petroleum Institute, the National Mining Association, the American Exploration & Mining Association, the Business Council for Sustainable Energy, the American Public Power Association, and Edison Electric Institute—there is a long list of those who have weighed in in support. It is all over the board—the Small Business and Entrepreneurship Council, the American Society of Interior Designers, the Nebraska Public Power District. The list is comprehensive and notable.

I want to be clear, not all in these groups agree with all aspects of the bill that we have in front of us. Those who support our work to streamline LNG exports might not necessarily be supportive of what we are trying to do to clean up the United States Code. But I think it is fair to say that to craft a bill that 100 percent of everybody likes is just not going to happen.

What we have in front of us today and what the Senate will now commence voting on is a bipartisan product that has gone through an extraordinary process in the past year, has been collaboratively built, and is an effort to modernize our energy policies in a smart way that uses common sense. It is not the government telling us what we shall do; it is doing it for the right reasons.

With that, Mr. President, we have come to the end of our 2 hours of debate, so we will commence with our series of rollcall votes that have previously been agreed to.

AMENDMENT NO. 3234, AS MODIFIED, TO AMENDMENT NO. 2953

Mr. President, at this time, I call up my amendment No. 3234.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 3234, as modified, to amendment No. 2953.

The amendment, as modified, is as follows:

(Purpose: To add certain provisions relating to natural resources)

At the end, add the following:

TITLE VI—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

SEC. 6001. 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. 6002. 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. 6003. 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. 6004. 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. 6005. 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. 6006. 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. 6007. 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. 6008. 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) DECONTAMINATON.—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. 6101. 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. 6102. 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. 6103. 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. 6104. 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. 6105. 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. 6106. 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. 6107. 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. 6108. 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. 6109. 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. 6201. 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. 6211. 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. 6212. 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. 6213. 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. 6214. 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. 6215. 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. 6221. 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. 6231. 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. 6232. 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. 6233. 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. 6241. 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. 6251. 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. 6252. 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. 6253. 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. 6254. 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. 6255. 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. 6261. 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. 6262. 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. 6301. 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. 6302. 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. 6311. 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. 6312. 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. 6313. 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. 6314. 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. 6321. SHORT TITLE.

This subpart may be cited as the ''Yakima River Basin Water Enhancement Project Phase III Act of 2016''.

SEC. 6322. 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. 6323. 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. 6324. 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. 6325. 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. 6329. 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. 6331. 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. 6341. 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. 6342. 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. 6343. 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. 6344. 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. 6345. 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. 6346. 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. 6351. 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.

Ms. MURKOWSKI. Mr. President, I now ask unanimous consent that there be 2 minutes of debate equally divided prior to each vote in this series.

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

Ms. MURKOWSKI. Thank you, Mr. President.

The amendment I have called up is an amendment Senator CANTWELL and I have been working on. It is what we are dubbing our ''Natural Resources'' title. There are 30 different provisions—15 from the Republican side, 15 from the Democratic side. Nearly all of them have been reported from the committee. They have strong bipartisan support. It is a balanced collection of land and water bills.

We have included the sportsmen's bill, which we have heard talk of here on the floor, as it was reported from the committee with some additional provisions that came out of the Environment and Public Works Committee. It includes our open and less closed provisions to make sure our public lands and our national forests are accessible for hunting, fishing, and recreational shooting. We have included several land transactions involving the land management agencies, including some conveyances to correct Federal survey errors and to adjust boundaries. We have provisions to get more renewable hydropower online and keep existing projects operating in at least five different States. We also protect some treasured landscapes and rivers. We reroute a national scenic trail, and we authorize the National Park Service to study three sites to determine their national significance. So, again, it is a broad package, a package that is balanced, and a package that continues to add to the good in the overall Energy bill.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I may add to my colleague's comments, this underlying bill supports the Yakima River Basin bill, which is an integrated approach to addressing water management needs for farmers, families, and fish. It will help restore the ecosystem, ensure that communities have access to water, and conserve and provide water for farmers in times of drought. It is not only important to the future of our State, it is also a model for how water management should be done in the 21st century.

This legislation also includes water provisions for Senators FEINSTEIN, FLAKE, MERKLEY, and WYDEN, as the chairwoman said, MURKOWSKI herself, and several of our other colleagues—MERKLEY, BURR, GILLIBRAND, and KAINE.

Support this legislation.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

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

Ms. MURKOWSKI. If there is no further debate, I ask for the yeas and nays on amendment No. 3234.

The PRESIDING OFFICER. Is all time yielded back?

Ms. MURKOWSKI. Yes, all time on the Republican side.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—97

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

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 3202

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3202, offered by the Senator from Georgia, Mr. ISAKSON.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I just want all Members of the Senate to consider this amendment favorably.

It is an amendment that allows for consideration, in the qualification of the underwriting of a loan for the purchase of a single-family dwelling, of those enhanced standards for energy efficiency to go in over and above the minimum standard. It is permissive, and it is FHA only.

I appreciate every Member's vote.

I yield back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, this amendment offered by my friend from Georgia sounds good, but let's examine it for a little while.

This amendment is opposed by the scholars of the Heritage Foundation, the Cato Institute, the American Action Forum, the American Enterprise Institute, and the Competitive Enterprise Institute.

As we all know, the mortgage underwriting process is about evaluating a borrower's ability to afford a mortgage, and history tells us that if we play around with it, it does not end well when we forget this.

This amendment would weaken FHA's underwriting standards, leading to greater safety and perhaps soundness concerns for FHA's portfolio, which received a $1.7 billion bailout in 2013. It would require that appraisals be inflated to account for the value of energy efficiency upgrades as determined by HUD.

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

Mr. SHELBY. I ask unanimous consent for 1 additional minute.

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

Mr. SHELBY. It would also project energy savings and inflated borrowers' income for debt-to-income valuation.

I think it would be dangerous for FHA loans. We don't need it. FHA already has an FHA energy-efficient program, and according to HUD, FHA's energy-efficient program helps families save money on their utility bills by enabling them to finance energy-efficient improvements with their FHA insurance mortgage.

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds.

Mr. ISAKSON. Madam President, I don't know who wrote what my friend

from Alabama is reading, but the truth and the fact is that this is a recommendation that allows the installation of more energy efficiency and the funding of that in terms of housing. Homebuilders have endorsed it. Most energy efficiency organizations have endorsed it. It is good practice. It is good procedure. It is not ruining underwriting in any way whatsoever. It is good for America. It is good for energy efficiency. It is good for the housing industry.

I would appreciate the vote of each and every Member.

I yield back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. 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 Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—66

Alexander	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Bennet	Graham	Murray
Blumenthal	Hatch	Nelson
Blunt	Heinrich	Peters
Booker	Heitkamp	Portman
Boxer	Heller	Reed
Brown	Hirono	Reid
Burr	Hoeven	Rounds
Cantwell	Isakson	Schatz
Capito	Johnson	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Kirk	Sullivan
Cassidy	Klobuchar	Tester
Cochran	Leahy	Tillis
Collins	Manchin	Udall
Coons	Markey	Warner
Cornyn	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—31

Barrasso	Gardner	Rubio
Boozman	Grassley	Sasse
Coats	Inhofe	Scott
Corker	Lankford	Sessions
Cotton	Lee	Shelby
Crapo	McCain	Thune
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Paul	Wicker
Fischer	Risch	
Flake	Roberts	

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 3175, AS MODIFIED, TO AMENDMENT NO. 2953

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3175, to be offered by the Senator from North Carolina, Mr. BURR.

The Senator from North Carolina.

Mr. BURR. Madam President, I rise to speak on my amendment very briefly. Many of my colleagues may have seen these wild horses on a vacation to the Outer Banks or maybe you viewed the movie ''Nights in Rodanthe.'' These horses have been there for over 200 years. What we are doing is we are injecting some new genetics so this herd is sustainable for another 200 years.

Let me tell my colleagues that they have never been managed by the Fish & Wildlife Service. The Fish & Wildlife Service doesn't want to manage them. They are managed by a private nonprofit that goes to great lengths and expense to make sure that this herd survives.

With that, I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, is all time yielded back?

The PRESIDING OFFICER. There is a minute left in opposition and 12 seconds remaining to the Senator from North Carolina.

Ms. MURKOWSKI. Madam President, if there is no further discussion on this amendment, I call up the Burr amendment No. 3175 and ask unanimous consent that it be modified with the changes at the desk.

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

The clerk will report the amendment, as modified, by number.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. BURR, proposes an amendment numbered 3175, as modified, to amendment No. 2953.

The amendment, as modified, is as follows:

(Purpose: To ensure that the Secretary of the Interior collaborates fully with State and local authorities and certain nonprofit entities in managing the Corolla Wild Horse population on Federal land)

At the end of subtitle E of title IV, add the following:

SEC. 4_____. 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.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. The original Burr amendment did have a lot of discussion and passion on both sides, but the Senators were able to come together this afternoon to resolve their differences over this issue and craft a reasonable compromise that is acceptable to both sides. I want to thank Senator BURR, Senator TILLIS, and Senator BOXER for their willingness to find a solution that we can support. So I urge all my colleagues to support the Burr amendment, as modified.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the 60-vote affirmative threshold with respect to the Burr amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified.

The amendment (No. 3175), as modified, was agreed to.

AMENDMENT NO. 3210

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, prior to a vote on the Lankford amendment.

The Senator from Oklahoma.

Mr. LANKFORD. Madam President, it is a very straightforward Land and Water Conservation Fund amendment. We have common agreement on the Land and Water Conservation Fund—what it does, what it funds, how it is funded. Where we have some dispute is in whether we are we taking care of the land that we have. We continue to add more acres into the Federal inventory, and we are not taking care of them. The original plan of the Land and Water Conservation Fund is that someday, out of general budget, we will do maintenance on this, but let's keep adding land. We have all known for decades that has not worked. For decades we have added more land, and for decades we are not maintaining it.

The easiest way to identify this amendment is this: This amendment is about not only purchasing land but taking care of the land that we actually purchased. It splits half and half—half for the purchase of land and half for the maintenance.

My daughter's birthday is today. She is 16. She will get a car—an old used car—at some point. But the requirement for her is to not only help pay for the car but to actually have enough in her bank account that she can help maintain it and buy gasoline for it. She has to have a job so she can have income.

We have set aside the Land and Water Conservation Fund to continually get more land but not be able to maintain it. We wouldn't do that with our children. We wouldn't do that with our homes. But we have done it year after year with this.

Let's do something simple. Let's maintain what we actually purchased and make sure it comes into strict oversight of the Federal Government. We should take care of our Federal treasures that are these national parks and other Federal lands.

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

Mr. LANKFORD. With that, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, speaking in opposition to the Lankford amendment, it would gut the Land and Water Conservation Fund. This is a program in which the Senator's new language would produce obstacles to the Federal government acquiring land that would cost more than $50,000 per acre, and it would simply add more redtape by having to pass another law just for the land acquisition to be purchased.

I urge my colleagues to oppose the Lankford amendment and keep the Land and Water Conservation Fund for the purposes that it was designed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. 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 Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 34, nays 63, as follows:

[Rollcall No. 50 Leg.]

YEAS—34

Barrasso	Hatch	Rounds
Boozman	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Corker	Johnson	Sessions
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Enzi	McConnell	Thune
Ernst	Moran	Toomey
Fischer	Murkowski	Vitter
Flake	Paul	
Grassley	Roberts	

NAYS—63

Alexander	Durbin	Mikulski
Ayotte	Feinstein	Murphy
Baldwin	Franken	Murray
Bennet	Gardner	Nelson
Blumenthal	Gillibrand	Peters
Blunt	Graham	Portman
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Hirono	Risch
Burr	Isakson	Schatz
Cantwell	Kaine	Schumer
Capito	King	Shaheen
Cardin	Kirk	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Tillis
Cochran	Manchin	Udall
Collins	Markey	Warner
Coons	McCain	Warren
Crapo	McCaskill	Whitehouse
Daines	Menendez	Wicker
Donnelly	Merkley	Wyden

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3311 TO AMENDMENT NO. 2953

There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3311, to be offered by the Senator from Arkansas, Mr. BOOZMAN.

The Senator from Arkansas.

Mr. BOOZMAN. Madam President, I call up my amendment No. 3311.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 3311 to amendment No. 2953.

The amendment is as follows:

(Purpose: To require a report relating to certain transmission infrastructure projects)

At the end of subtitle D of title II, add the following:

SEC. 23_____. REPORTING REQUIREMENT FOR CERTAIN TRANSMISSION INFRASTRUCTURE PROJECTS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by adding at the end the following:

''(h) REPORTING REQUIREMENT.—Before carrying out a Project under subsection (a) or (b), the Secretary shall submit to Congress a report that—

''(1) describes the impact that the proposed Project would have on electricity rates;

''(2) demonstrates that the proposed Project meets the requirements of paragraphs (1) and (2) of subsection (a) and paragraphs (1) and (2) of subsection (b); and

''(3) includes a list of utilities that have entered into contracts for the purchase of power from the proposed Project.

''(i) DECISION.—The Secretary may not issue a decision on whether to carry out a Project under subsection (a) or (b) before the date that is 90 days after the date of submission of a report required under subsection (h).''.

Mr. BOOZMAN. Madam President, this amendment provides a simple report from the Department of Energy on a specific kind of transmission project. The amendment will not cause delays or add additional redtape. It provides transparency and ensures that the Department follows the law.

This amendment just ensures that the Department provides information in a timely manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, this amendment is a job killer. It blocks a major new 700-mile, multistate electric transmission project.

The Plains & Eastern Clean Line will deliver four gigawatts of economical renewable energy to the Southeast. This is $2 billion of nontaxpayer dollars that will lead to over $6 billion in private investment in new wind generation that will produce enough power to power 1 million homes.

During the 3 years of construction, the Clean Line will create 6,000 local construction jobs. Our Nation's grid is the energy of our economy and it needs modernization. I urge my colleagues to vote no on this job-killing amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

Ms. MURKOWSKI. 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 Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—42

Alexander	Ernst	Portman
Ayotte	Fischer	Risch
Blunt	Flake	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Isakson	Scott
Coats	Johnson	Sessions
Cochran	Lee	Shelby
Corker	McCain	Sullivan
Cornyn	McConnell	Thune
Cotton	Moran	Toomey
Crapo	Murkowski	Vitter
Daines	Paul	Wicker

NAYS—55

Baldwin	Bennet	Booker
Barrasso	Blumenthal	Boxer

Brown	Hirono	Nelson
Cantwell	Hoeven	Peters
Cardin	Inhofe	Reed
Carper	Kaine	Reid
Casey	King	Schatz
Collins	Kirk	Schumer
Coons	Klobuchar	Shaheen
Donnelly	Lankford	Stabenow
Durbin	Leahy	Tester
Enzi	Manchin	Tillis
Feinstein	Markey	Udall
Franken	McCaskill	Warner
Gardner	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Graham	Mikulski	Wyden
Heinrich	Murphy	
Heitkamp	Murray	

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3312

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3312, offered by the Senator from New Mexico, Mr. UDALL.

The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President.

This amendment is a very simple study amendment. It does nothing more than ask for a study. It is pro clean energy; it changes no rules; it doesn't mandate anything; it has no cost; it has no score. It simply directs the Secretary of the Treasury to submit a report to Congress on the issuance of clean energy victory bonds.

It is supported by a number of groups. Just to mention a few: the American Sustainable Business Council, the Evangelical Environmental Network, the League of Conservation Voters, the Union of Concerned Scientists, and a number of others.

I urge my colleagues to support it, and I yield back.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. We yield all time back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

Ms. MURKOWSKI. 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 Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—50

Ayotte	Gardner	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Portman
Booker	Hirono	Reed
Boxer	Kaine	Reid
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murphy	

NAYS—47

Alexander	Fischer	Paul
Barrasso	Flake	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Daines	McCain	Vitter
Enzi	McConnell	Wicker
Ernst	Moran	

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3787

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3787, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Mr. President, Jack Kemp and others who have looked at and examined the issue of poverty have often found that we have not done a great job alleviating poverty. We have tried government programs. In my State, we tried them in rural Appalachia for 40 years. Yet we still have persistent poverty.

Many of us believe we would have a better chance with poverty if we would lower taxes in these areas, lessen regulation, and instead of sending the money to Washington, leave it where the poverty is. My amendment alone would leave half a billion dollars in Eastern Kentucky, $200 million in Louisville.

We have had much discussion of Flint, MI, and the water problem there. My amendment would leave $124 million in Flint, MI, next week. My amendment would leave over $1 billion in Detroit.

If there are those in this body who can come together and say we have a unified presence and a unified ability and desire to combat poverty, this is the amendment to do it. It is called economic freedom zones. I hope we will get bipartisan support in favor of leaving money in these impoverished communities to help them get started again.

Thank you.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I urge my colleagues to oppose this amendment and this vision. Senator PAUL's amendment takes advantage of economically distressed communities in our country by saying we will take the hedge funds, big banks, rich investors and see their capital gains taxes completely eliminated.

The amendment would allow some of the areas in the country with the biggest environmental challenges, the most vulnerable communities, to ignore environmental laws like the Clean Air Act, the Clean Water Act, ignore the requirements of National Heritage Areas, would lift Davis-Bacon, and it would scar school districts in these areas by not allowing public education dollars but allowing them to go to private schools instead.

In short, this amendment would turn these vulnerable communities into an experiment I don't think we need to have.

I raise a point of order that the pending measure violates section 311(a) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of my amendment, No. 3787, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 33, nays 64, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—33

Blunt	Flake	Moran
Boozman	Gardner	Paul
Capito	Graham	Risch
Cassidy	Grassley	Rubio
Coats	Hatch	Sasse
Cornyn	Heller	Scott
Cotton	Hoeven	Shelby
Crapo	Johnson	Sullivan
Daines	Kirk	Toomey
Ernst	Lee	Vitter
Fischer	McConnell	Wicker

NAYS—64

Alexander	Baldwin	Bennet
Ayotte	Barrasso	Blumenthal

Booker	Hirono	Portman
Boxer	Inhofe	Reed
Brown	Isakson	Reid
Burr	Kaine	Roberts
Cantwell	King	Rounds
Cardin	Klobuchar	Schatz
Carper	Lankford	Schumer
Casey	Leahy	Sessions
Cochran	Manchin	Shaheen
Collins	Markey	Stabenow
Coons	McCain	Tester
Corker	McCaskill	Thune
Donnelly	Menendez	Tillis
Durbin	Merkley	Udall
Enzi	Mikulski	Warner
Feinstein	Murkowski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Heinrich	Nelson	
Heitkamp	Peters	

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 64.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

CHANGE OF VOTE

Ms. AYOTTE. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. PORTMAN. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2954

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2954, offered by the Senator from Louisiana, Mr. CASSIDY.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, this amendment pertains to the sale from the Strategic Petroleum Reserve. It merely gives the government the authority to time that sale. We can buy oil high or buy oil low, but we should sell it higher.

All this amendment does—a commonsense, bipartisan amendment—is to say that whenever the oil is sold from the Strategic Petroleum Reserve, it should be when the best price is fetched, if you will, for the taxpayers of the country. It is common sense. It protects taxpayers. It should be adopted.

Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, Senator CASSIDY and I have offered this amendment in order to correct a problem in the bill. Without this amendment, there would not be the kind of discipline which is necessary in order to make sure the Strategic Petroleum oil is sold strategically so that the Federal Government gets the best price for it, so that we sell high—or as high as we can—in order to limit the number of barrels of oil that ultimately will be sold so that we can keep as many as possible in the Strategic Petroleum Reserve.

In order to meet the budget objectives, this amendment satisfies it but also ensures that we keep the maximum number of barrels of oil remaining in the Strategic Petroleum Reserve. This is going to make millions—tens of millions of extra dollars for the Federal taxpayers because it will be done in a very smart way. We will be selling as high as possible because we bought this oil, for the most part, in a very high-priced marketplace.

Senator CASSIDY and I urge an ''aye'' vote on the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the work of both Senators, who came together with a very commonsense amendment.

Mr. President, I ask unanimous consent that the 60-vote affirmative threshold for the Cassidy-Markey amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2954) was agreed to.

AMENDMENT NO. 2953, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 2953, as amended, is agreed to.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order with respect to the vote on the motion to invoke cloture on S. 2012, upon reconsideration, be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, April 20, the time until 10 a.m. be equally divided between the two leaders or their designees; further, that at 10 a.m., the Senate vote on passage of S. 2012, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this brings us to the end of the agreed-to votes on the amendments that required a rollcall, as well as the 29 various amendments that were accepted by voice en bloc. We have made extraordinary progress on a good, strong, bipartisan energy modernization bill. I thank colleagues for the process we have all engaged in today as we have worked to wrap up the final measures to allow us to move to final passage tomorrow morning.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now 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 Washington.

ENERGY POLICY MODERNIZATION BILL

Ms. CANTWELL. Mr. President, I thank my colleagues for a productive afternoon. We certainly improved the Senate Energy bill with a variety of amendments—the lands package specifically but other amendments as well, such as the energy savings by our colleagues, Senator ISAKSON and Senator BENNET.

I am very glad we are where we are today, and hopefully we will have this wrapped up very early tomorrow. I thank all our colleagues for their cooperation. I again thank the staff for getting us to this point today.

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OKLAHOMA CITY BOMBING ANNIVERSARY AND FILLING THE SUPREME COURT VACANCY

Mr. LANKFORD. Mr. President, in February of this year, Justice Scalia passed away. It was an enormous loss to the Nation.

In the hours and the days following that, Republicans in the Senate had the opportunity to talk about their constitutional responsibility—the responsibility of advice and consent. Supreme Court justices don't show up to the Supreme Court because the President just nominates them. In the Constitution, article II, section 2, lays out a 50–50 proposition.

The President has the first 50 percent. He narrows down his list, and he nominates.

The Senate then has the second 50 percent. They have the power of what is called advice and consent. The first half of that is when. Is this the right time to do a nominee? And with many nominees, historically—Ambassadors, Justices, Cabinet officers—the Senate has had a long delay to be able to say: No, this is not the right time.

So the first question is, Is this the right time? The second question is, Is this the right person? That is the process of advice and consent, and it has been for 200 years.

So what has happened since February? Since February, Republicans