SA 3261. Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3262. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3263. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3264. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3265. Mr. VITTER (for himself, Mr. KAINE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3266. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3267. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3268. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3269. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3270. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3271. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3044 submitted by Mr. MANCHIN and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3272. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3273. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3274. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3275. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3276. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3277. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3278. Mr. MCCONNELL (for Mr. RUBIO (for himself and Mr. CARDIN)) proposed an amendment to the bill H.R. 907, to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

SA 3279. Ms. MURKOWSKI (for Mr. LEE (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3033, to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

TEXT OF AMENDMENTS

SA 3232. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended to read as follows:

"SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

"Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(1) 87.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

"(2) 12.5 percent of qualified outer Continental Shelf revenues in a special account in the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, from which the Secretary shall disburse, without further appropriation, 100 percent to provide financial assistance to States in accordance with section 200305 of that title, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.".

SA 3233. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITION.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) RESEARCH CENTER.—The term "Research Center" means the Federal Highway Administration's Turner-Fairbank Highway Research Center.

(3) MAP.—The term "Map" means the map titled "George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment", numbered 850__130815, and dated December 2015.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—The Secretary and the Secretary of Transportation, as appropriate, are authorized to exchange administrative jurisdiction of—

(A) approximately 0.342 acres of Federal land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as "B" on the Map; and

(B) the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as "A" on the Map.

(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 north 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 Research Center's access to the land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this section shall occur without 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 lands discussed in that Agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall allow the Research Center to access the land described in paragraph (1)(B) for purposes of transportation to and from the Research Center and 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 land.

(ii) PRUNING AND REMOVAL OF TRESS.—No tree on the land described in paragraph (1)(B) that is 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary.

(iii) PESTICIDES.—The use of pesticides on the land described in paragraph (1)(B) shall be approved in writing by the Secretary prior to application of the pesticides.

(c) MANAGEMENT OF TRANSFERRED LANDS.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under this section shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under this section shall be included in the boundary of the Research Center and shall be removed from the boundary of parkway.

(3) RESTRICTED-USE LAND.—The Federal land 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, Department of Interior.

SA 3234. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At 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—MISCELLANEOUS

SEC. 6251. 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. 6252. 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—YAKIMA RIVER BASIN WATER ENHANCEMENT

SEC. 6321. SHORT TITLE.

This part 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 part, 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.''.

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.

SA 3235. Mr. WICKER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Renewable Fuel Standard

SEC. 3801. SUNSET OF RENEWABLE FUEL STANDARD.

Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by adding at the end the following:

''(C) SUNSET.—The authority provided by this paragraph terminates on December 31, 2022.''.

SEC. 3802. REGULATIONS.

Effective beginning on January 1, 2023, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date), shall have no force or effect.

SA 3236. Mr. WYDEN (for himself, Mr. DURBIN, Mr. CASEY, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. ENERGY TRAIN DATA COLLECTION.

The Administrator of the Energy Information Administration, in coordination with the Secretary of Transportation—

(1) shall collect information regarding—

(A) the volume of energy products transported by rail, including—

(i) petroleum crude oil;

(ii) ethanol;

(iii) liquefied natural gas; and

(iv) other energy products selected by the Administrator; and

(B) the origins and destinations of the energy products transported by rail described in subparagraph (A), including—

(i) energy products transported by rail within Petroleum Administration Defense Districts;

(ii) energy products transported by rail between Petroleum Administration Defense Districts;

(iii) energy products imported to the United States by rail from international origins; and

(iv) energy products exported from the United States by rail to international destinations;

(2) may collect additional information to carry out the purposes of this section from other sources, including—

(A) surveys conducted by the Administrator;

(B) information collected by the Department of Transportation;

(C) foreign governments; and

(D) third-party data; and

(3) shall make the information collected under paragraphs (1) and (2) available to the public on an Internet website that is updated monthly and does not aggregate the volume of energy products transported by rail with the volume of energy products transported by other modes of transportation.

SA 3237. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 3238. Mr. WYDEN (for himself, Mr. BENNET, Ms. CANTWELL, Mr. SCHUMER, Ms. STABENOW, Mr. MENENDEZ, Mr. CARPER, Mr. CARDIN, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. COONS, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—INVESTING IN CLEAN ENERGY

SEC. 6001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Clean Energy Tax Credits

SEC. 6011. CLEAN ENERGY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45S. CLEAN ENERGY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean energy production credit for any taxable year is an amount equal to the product of—

''(A) the applicable credit rate (as determined under paragraph (2)), multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year.

''(2) APPLICABLE CREDIT RATE.—

''(A) IN GENERAL.—

''(i) MAXIMUM CREDIT RATE.—Except as provided in clause (ii), the applicable credit rate is 1.5 cents.

''(ii) REDUCTION OF CREDIT BASED ON GREENHOUSE GAS EMISSION RATE.—The applicable credit rate shall be reduced (but not below zero) by an amount which bears the same ratio to the amount in effect under clause (i) as the greenhouse gas emissions rate for the qualified facility bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(b) GREENHOUSE GAS EMISSIONS RATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a qualified facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(2) NON-FOSSIL FUEL COMBUSTION AND GASIFICATION.—In the case of a qualified facility which produces electricity through combustion or gasification of a non-fossil fuel, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(3) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified facilities, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified facilities, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(4) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a qualified facility in the production of electricity shall not include any qualified carbon dioxide (as defined in section 48E(c)(3)(A)) that is captured and disposed of by the taxpayer.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2018, the 1.5 cent amount in clause (i) of subsection (a)(2)(A) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale or use of the electricity occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than 72 percent of the annual greenhouse gas emissions from electrical production in the United States for calendar year 2005, the amount of the clean energy production credit under subsection (a) for any qualified facility placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(e) DEFINITIONS.—In this section:

''(1) CO_2e PER KWH.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term 'qualified facility' means a facility which is—

''(i) used for the generation of electricity, and

''(ii) originally placed in service after December 31, 2017.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—A qualified facility shall include either of the following in connection with a facility described in subparagraph (A)(i) that was previously placed in service, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit placed in service after December 31, 2017.

''(ii) Any efficiency improvements or additions of capacity placed in service after December 31, 2017.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45 is allowed under section 38 for the taxable year or any prior taxable year,

''(ii) an energy credit determined under section 48 is allowed under section 38 for the taxable year or any prior taxable year, or

''(iii) a clean energy investment credit determined under section 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(f) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean energy production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption or sales shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)(1)(B), the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the clean energy production credit determined under section 45S(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45S. Clean energy production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2017.

SEC. 6012. CLEAN ENERGY INVESTMENT CREDIT.

(a) BUSINESS CREDIT.—

(1) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. CLEAN ENERGY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean energy investment credit for any taxable year is an amount equal to the sum of—

''(A) the clean energy percentage of the qualified investment for such taxable year with respect to any qualified facility, plus

''(B) 30 percent of the qualified investment for such taxable year with respect to qualified carbon capture and sequestration equipment, plus

''(C) 30 percent of the qualified investment for such taxable year with respect to energy storage property.

''(2) CLEAN ENERGY PERCENTAGE.—

''(A) IN GENERAL.—

''(i) MAXIMUM PERCENTAGE.—Except as provided in clause (ii), the clean energy percentage is 30 percent.

''(ii) REDUCTION OF PERCENTAGE BASED ON GREENHOUSE GAS EMISSIONS RATE.—The clean energy percentage shall be reduced (but not below zero) by an amount which bears the same ratio to 30 percent as the anticipated greenhouse gas emissions rate for the qualified facility bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 1 percent, such amount shall be rounded to the nearest multiple of 1 percent.

''(3) COORDINATION WITH REHABILITATION CREDIT.—The clean energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(b) QUALIFIED INVESTMENT WITH RESPECT TO ANY QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(A), the qualified investment with respect to any qualified facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility.

''(2) QUALIFIED PROPERTY.—The term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(C) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

''(D) the original use of which commences with the taxpayer.

''(3) QUALIFIED FACILITY.—The term 'qualified facility' has the same meaning given such term by section 45S(e)(3) (without regard to subparagraphs (B) and (D) thereof). Such term shall not include any facility for which a renewable electricity production credit under section 45 or an energy credit determined under section 48 is allowed under section 38 for the taxable year or any prior taxable year.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO QUALIFIED CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(B), the qualified investment with respect to qualified carbon capture and sequestration equipment for any taxable year is the basis of any qualified carbon capture and sequestration equipment placed in service by the taxpayer during such taxable year.

''(2) QUALIFIED CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—The term 'qualified carbon capture and sequestration equipment' means property—

''(A) installed in a facility placed in service before January 1, 2018, which produces electricity,

''(B) which results in at least a 50 percent reduction in the carbon dioxide emissions rate at the facility, as compared to such rate before installation of such equipment, through the capture and disposal of qualified carbon dioxide (as defined in paragraph (3)(A)),

''(C) with respect to which depreciation is allowable,

''(D) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

''(E) the original use of which commences with the taxpayer.

''(3) QUALIFIED CARBON DIOXIDE.—

''(A) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(i) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(ii) is measured at the source of capture and verified at the point of disposal or injection,

''(iii) is disposed of by the taxpayer in secure geological storage, and

''(iv) is captured and disposed of within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(B) SECURE GEOLOGICAL STORAGE.—The term 'secure geological storage' has the same meaning given to such term under section 45Q(d)(2).

''(d) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE PROPERTY.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(C), the qualified investment with respect to energy storage property for any taxable year is the basis of any energy storage property placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE PROPERTY.—The term 'energy storage property' means property—

''(A) installed at or near a facility which produces electricity,

''(B) which receives, stores, and delivers electricity or energy for conversion to electricity which is sold by the taxpayer to an unrelated person (or, in the case of a facility which is equipped with a metering device which is owned and operated by an unrelated person, sold or consumed by the taxpayer), which may include—

''(i) hydroelectric pumped storage,

''(ii) compressed air energy storage,

''(iii) regenerative fuel cells,

''(iv) batteries,

''(v) superconducting magnetic energy storage,

''(vi) thermal energy storage systems,

''(vii) fuel cells (as defined in section 48(c)(1)),

''(viii) any other relevant technology identified by the Secretary (in consultation with the Secretary of Energy), and

''(ix) any combination of the properties described in clauses (i) through (viii),

''(C) with respect to which depreciation is allowable,

''(D) which is constructed, reconstructed, erected, or acquired by the taxpayer,

''(E) the original use of which commences with the taxpayer, and

''(F) which is placed in service after December 31, 2017.

''(e) GREENHOUSE GAS EMISSIONS RATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' has the same meaning given such term under subsection (b) of section 45S.

''(2) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified property which are part of a qualified facility, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified property, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(f) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(g) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than 72 percent of the annual greenhouse gas emissions from electrical production in the United States for calendar year 2005, the amount of the clean energy investment credit under subsection (a) for any qualified facility, qualified carbon capture and sequestration equipment, or energy storage property placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility or property placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility or property placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility or property placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility or property placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(h) DEFINITIONS.—In this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' has the same meaning given such term under section 45S(e)(1).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 45S(e)(2).

''(i) RECAPTURE OF CREDIT.—For purposes of section 50, if the Administrator of the Environmental Protection Agency determines that—

''(1) the greenhouse gas emissions rate for a qualified facility is significantly higher than the anticipated greenhouse gas emissions rate claimed by the taxpayer for purposes of the clean energy investment credit under this section, or

''(2) with respect to any qualified carbon capture and sequestration equipment installed in a facility, the carbon dioxide emissions from such facility cease to be captured or disposed of in a manner consistent with the requirements of subsection (c),

the facility or equipment shall cease to be investment credit property in the taxable year in which the determination is made.

''(j) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean energy investment credits under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 46 is amended by inserting a comma at the end of paragraph (4), by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the clean energy investment credit.''.

(B) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting a comma, and by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E,

''(viii) the basis of any qualified carbon capture and sequestration equipment under section 48E, and

''(ix) the basis of any energy storage property under section 48E.''.

(C) Section 50(a)(2)(E) is amended by inserting ''or 48E(e)'' after ''section 48(b)''.

(D) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean energy investment credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2017, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) INDIVIDUAL CREDIT.—

(1) IN GENERAL.—Section 25D is amended to read as follows:

''SEC. 25D. CLEAN RESIDENTIAL ENERGY CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the clean energy percentage of the expenditures made by the taxpayer for qualified property which is—

''(i) installed in a dwelling unit which is located in the United States and used as a residence by the taxpayer, and

''(ii) placed in service during such taxable year, plus

''(B) 30 percent of the expenditures made by the taxpayer for energy storage property which is—

''(i) installed in a dwelling unit which is located in the United States and used as a residence by the taxpayer, and

''(ii) placed in service during such taxable year.

''(2) CLEAN ENERGY PERCENTAGE.—

''(A) IN GENERAL.—

''(i) MAXIMUM PERCENTAGE.—Except as provided in clause (ii), the clean energy percentage is 30 percent.

''(ii) REDUCTION OF PERCENTAGE BASED ON GREENHOUSE GAS EMISSIONS RATE.—The clean energy percentage shall be reduced (but not below zero) by an amount which bears the same ratio to 30 percent as the anticipated greenhouse gas emissions rate for the qualified property bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 1 percent, such amount shall be rounded to the nearest multiple of 1 percent.

''(C) DEFINITIONS.—For purposes of this section, the terms 'greenhouse gas emissions rate' and 'CO_2e per KWh' have the same

meanings given such terms under subsections (b) and (e)(1) of section 45S, respectively.

''(3) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified property which are installed in a dwelling unit, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified property, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(b) QUALIFIED PROPERTY.—The term 'qualified property' means property—

''(1) which is tangible personal property,

''(2) which is used for the generation of electricity,

''(3) which is constructed, reconstructed, erected, or acquired by the taxpayer,

''(4) the original use of which commences with the taxpayer, and

''(5) which is originally placed in service after December 31, 2017.

''(c) ENERGY STORAGE PROPERTY.—The term 'energy storage property' means property which receives, stores, and delivers electricity or energy for conversion to electricity which is consumed by the taxpayer, which may include—

''(1) batteries,

''(2) thermal energy storage systems,

''(3) fuel cells,

''(4) any other relevant technology identified by the Secretary (in consultation with the Secretary of Energy), and

''(5) any combination of the properties described in paragraphs (1) through (4).

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than the percentage specified in section 48E(g), the amount of the credit allowable under subsection (a) for any qualified property or energy storage property placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for property placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for property placed in service during the second calendar year following such determination year, 50 percent,

''(C) for property placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for property placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in section 48E(g), then the determination described in paragraph (1) shall be deemed to have been made for calendar year 2025.

''(f) SPECIAL RULES.—For purposes of this section:

''(1) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the qualified property or energy storage property and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of a property is for nonbusiness purposes, only that portion of the expenditures for such property which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditures with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.

''(h) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified property and determination of residential clean energy property credits under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 45(d) is amended by striking ''Such term'' and all that follows through the period and inserting the following: ''Such term shall not include any facility with respect to which any expenditures for qualified property (as defined in subsection (b) of section 25D) which uses wind to produce electricity is taken into account in determining the credit under such section.''.

(B) Paragraph (34) of section 1016(a) is amended by striking ''section 25D(f)'' and inserting ''section 25D(h)''.

(C) The item relating to section 25D in the table of contents for subpart A of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 25D. Clean residential energy credit.''.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

SEC. 6013. EXTENSIONS AND MODIFICATIONS OF VARIOUS ENERGY PROVISIONS.

(a) NONBUSINESS ENERGY PROPERTY.—

(1) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2016.

(b) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—

(1) IN GENERAL.—Subsection (g) of section 25D is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) ELIMINATION OF PHASEOUT.—Division P of the Consolidated Appropriations Act, 2016 (Pub. L. 114-113) is amended by striking section 304.

(c) ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 30C(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2016.

(d) 2- AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.—

(1) IN GENERAL.—Clause (ii) of section 30D(g)(E) is amended to read as follows:

''(ii) after December 31, 2016, and before January 1, 2018.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles acquired after December 31, 2016.

(e) ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.—

(1) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2018'':

(A) Paragraph (2)(A).

(B) Paragraph (3)(A).

(C) Paragraph (4)(B).

(D) Paragraph (6).

(E) Paragraph (7).

(F) Paragraph (9).

(G) Paragraph (11)(B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2017.

(f) CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.—Section 45J(d)(1)(B) is amended by striking ''2021'' and inserting ''2018''.

(g) NEW ENERGY EFFICIENT HOME CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any qualified new energy efficient home acquired after December 31, 2016.

(h) REPEAL OF ENERGY EFFICIENT APPLIANCE CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of subtitle A is amended by striking section 45M.

(2) CONFORMING AMENDMENTS.—

(A) Section 38(b) is amended by striking paragraph (24).

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 of subtitle A is amended by striking the item relating to section 45M.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(i) CREDIT FOR CARBON DIOXIDE SEQUESTRATION.—Section 45Q(c) is amended—

(1) in paragraph (2), by striking ''and'' at the end,

(2) in paragraph (3), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(4) which is placed in service before January 1, 2018.''.

(j) ELIMINATION OF PHASEOUT OF CREDITS FOR WIND FACILITIES AND SOLAR ENERGY PROPERTY.—

(1) WIND FACILITIES.—

(A) IN GENERAL.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2020'' and inserting ''January 1, 2018''.

(B) PHASEOUT.—Subsection (b) of section 45 is amended by striking paragraph (5).

(C) QUALIFIED INVESTMENT CREDIT FACILITY.—

(i) IN GENERAL.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2017'' and all that follows through ''section 45(d))'' and inserting ''January 1, 2018''.

(ii) PHASEOUT.—Paragraph (5) of section 48(a) is amended by striking subparagraph (E).

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2017.

(2) SOLAR ENERGY PROPERTY.—

(A) IN GENERAL.—Subclause (II) of section 48(a)(2)(A)(i) is amended by striking ''property the construction of which begins before January 1, 2022'' and inserting ''periods ending before January 1, 2018''.

(B) PHASEOUT.—Subsection (a) of section 48 is amended by striking paragraph (6).

(C) CONFORMING AMENDMENT.—Subparagraph (A) of section 48(a)(2) is amended by striking ''Except as provided in paragraph (6), the energy percentage'' and inserting ''The energy percentage''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2017.

(k) ENERGY CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Section 48(a)(3)(A) is amended—

(A) in clause (i), by inserting ''but only with respect to periods ending before January 1, 2018'' after ''swimming pool,'', and

(B) in clause (ii), by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(2) GEOTHERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(iii) is amended by inserting ''with respect to periods ending before January 1, 2018, and'' after ''but only''.

(3) THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(4) QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(5) QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(6) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(7) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(l) QUALIFYING ADVANCED ENERGY PROJECT CREDIT.—

(1) IN GENERAL.—Section 48C is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL QUALIFYING ADVANCED ENERGY PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Secretary of Energy, shall establish an additional qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed $5,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 2-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 3 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary shall consider the same criteria described in subsection (d)(3).

''(4) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 4 years after the date of enactment of this subsection, the Secretary shall review the credits allocated pursuant to this subsection as of such date.

''(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

''(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

''(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(m) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—

(1) IN GENERAL.—Subsection (h) of section 179D is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2016.

Subtitle B—Clean Fuel Tax Credits

SEC. 6021. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by section __01, is amended by adding at the end the following new section:

''SEC. 45T. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) $1.00 per energy equivalent of a gallon of gasoline with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold or used by the taxpayer in a manner described in paragraph (2), and

''(B) the emissions factor for such fuel (as determined under subsection (b)(2)).

''(2) SALE OR USE.—For purposes of paragraph (1)(A)(ii), the transportation fuel is sold or used in a manner described in this paragraph if such fuel is—

''(A) sold by the taxpayer to an unrelated person—

''(i) for use by such person in the production of a fuel mixture that will be used as a transportation fuel,

''(ii) for use by such person as a transportation fuel in a trade or business, or

''(iii) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person, or

''(B) used or sold by the taxpayer for any purpose described in subparagraph (A).

''(3) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(i) an amount (not less than zero) equal to—

''(I) 77.23, minus

''(II) the emissions rate for such fuel, divided by

''(ii) 77.23.

''(B) ESTABLISHMENT OF SAFE HARBOR EMISSIONS RATE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish the safe harbor emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer may elect to use for purposes of this section.

''(C) ROUNDING OF SAFE HARBOR EMISSIONS RATE.—The Secretary may round the safe harbor emissions rates under subparagraph (B) to the nearest multiple of 7.723 kilograms of CO_2e per mmBTU, except that, in the case of an emissions rate that is less than 3.862 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL SAFE HARBOR EMISSIONS RATE.—

''(i) IN GENERAL.—In the case of any transportation fuel for which a safe harbor emissions rate has not been established by the Secretary, a taxpayer producing such fuel may file a petition with the Secretary for determination of the safe harbor emissions rate with respect to such fuel.

''(ii) ESTABLISHMENT OF PROVISIONAL AND FINAL SAFE HARBOR EMISSIONS RATE.—In the case of a transportation fuel for which a petition described in clause (i) has been filed, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall—

''(I) not later than 12 months after the date on which the petition was filed, provide a

provisional safe harbor emissions rate for such fuel which a taxpayer may use for purposes of this section, and

''(II) not later than 24 months after the date on which the petition was filed, establish the safe harbor emissions rate for such fuel.

''(E) ROUNDING.—If any amount determined under subparagraph (A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(2) PUBLISHING SAFE HARBOR EMISSIONS RATE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall publish a table that sets forth the safe harbor emissions rate (as established pursuant to paragraph (1)) for similar types and categories of transportation fuels.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2018, the $1.00 amount in subsection (a)(1)(A) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale or use of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45S(c), determined by substituting 'calendar year 2017' for 'calendar year 1992' in paragraph (3) thereof.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are equal to or less than 72 percent of the greenhouse gas emissions from transportation fuel produced and sold at retail in the United States during calendar year 2005, the amount of the clean fuel production credit under this section for any qualified facility placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are, for each year before calendar year 2026, greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(e) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term 'qualified facility' means a facility used for the production of transportation fuels.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only qualify as a qualified facility—

''(i) in the case of a facility that is originally placed in service after December 31, 2017, for the 10-year period beginning on the date such facility is placed in service, or

''(ii) in the case of a facility that is originally placed in service before January 1, 2018, for the 10-year period beginning on January 1, 2018.

''(5) TRANSPORTATION FUEL.—The term 'transportation fuel' means a fuel which is suitable for use as a fuel in a highway vehicle or aircraft.

''(f) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(2), and the determination of clean fuel production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer is registered as a producer of clean fuel under section 4101 at the time of production, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by section __01, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the clean fuel production credit determined under section 45T(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section __01, is amended by adding at the end the following new item:

''Sec. 45T. Clean fuel production credit.''.

(3) Section 4101(a)(1) is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45T),'' after ''section 6426(b)(4)(A)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2017.

SEC. 6022. TEMPORARY EXTENSION OF EXISTING FUEL INCENTIVES.

(a) SECOND GENERATION BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Section 40(b)(6) is amended—

(A) in subparagraph (E)(i)—

(i) in subclause (I), by striking ''and'' at the end,

(ii) in subclause (II), by striking the period at the end and inserting '', and'', and

(iii) by inserting at the end the following new subclause:

''(III) qualifies as a transportation fuel (as defined in section 45T(e)(5)).'', and

(B) in subparagraph (J)(i), by striking ''2017'' and inserting ''2018''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to qualified second generation biofuel production after December 31, 2016.

(b) BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—

(1) IN GENERAL.—Section 40A is amended—

(A) in subsection (f)(3)(B), by striking ''or D396'', and

(B) in subsection (g), by striking ''2016'' and inserting ''2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(c) CREDIT FOR BIODIESEL AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended—

(A) in subsection (c)(6), by striking ''2016'' and inserting ''2017'',

(B) in subsection (d)—

(i) in paragraph (1), by striking ''motor vehicle'' and inserting ''highway vehicle'',

(ii) in paragraph (2)(D), by striking ''liquefied'', and

(iii) in paragraph (5), by striking ''2016'' and inserting ''2017'', and

(C) in subsection (e), by amending paragraph (3) to read as follows:

''(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) in the case of any alternative fuel mixture sold or used by the taxpayer for the purposes described in subsection (d)(1), December 31, 2017,

''(B) in the case of any sale or use involving hydrogen that is not for the purposes described in subsection (d)(1), December 31, 2017, and

''(C) in the case of any sale or use not described in subparagraph (A) or (B), December 31, 2016.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(d) BIODIESEL, BIODIESEL MIXTURES, AND ALTERNATIVE FUELS.—

(1) IN GENERAL.—Section 6427(e)(6) is amended—

(A) in subparagraph (B), by striking ''2016'' and inserting ''2017'', and

(B) in subparagraph (C), by striking ''2016'' and inserting ''2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

Subtitle C—Energy Efficiency Incentives

SEC. 6031. CREDIT FOR NEW ENERGY EFFICIENT RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—Section 45L is amended to read as follows:

''SEC. 45L. NEW ENERGY EFFICIENT HOME CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of an eligible contractor, the new energy efficient home credit for the taxable year is the applicable amount for each qualified residence which is—

''(1) constructed by the eligible contractor, and

''(2) acquired by a person from such eligible contractor for use as a residence during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to $1,500 increased (but not above $3,000) by $100 for every 5 percentage points by which the efficiency ratio for the qualified residence is certified to be greater than 25 percent.

''(2) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified residence shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the annual level of energy consumption of the qualified residence, and

''(ii) the annual level of energy consumption of the baseline residence, by

''(B) the annual level of energy consumption of the baseline residence.

''(3) BASELINE RESIDENCE.—For purposes of this section, the baseline residence shall be a residence which is—

''(A) comparable to the qualified residence, and

''(B) constructed in accordance with the standards of the 2015 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Energy Innovation Act.

''(c) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means—

''(A) the person who constructed the qualified residence, or

''(B) in the case of a qualified residence which is a manufactured home, the manufactured home producer of such residence.

''(2) QUALIFIED RESIDENCE.—The term 'qualified residence' means a dwelling unit—

''(A) located in the United States,

''(B) the construction of which is substantially completed after the date of the enactment of this section, and

''(C) which is certified to have an annual level of energy consumption that is less than the baseline residence and an efficiency ratio of not less than 25 percent.

''(3) CONSTRUCTION.—The term 'construction' does not include substantial reconstruction or rehabilitation.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy consumption levels as required by the Secretary, and

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy consumption levels and the credit allowed under this section.

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property (other than a qualified low-income building, as described in section 42(c)(2)), the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

''(f) COORDINATION WITH INVESTMENT CREDITS.—For purposes of this section, expenditures taken into account under section 25D or 47 shall not be taken into account under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any qualified residence acquired after December 31, 2017.

SEC. 6032. ENERGY EFFICIENCY CREDIT FOR EXISTING RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—Section 25C is amended to read as follows:

''SEC. 25C. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO RESIDENTIAL BUILDINGS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) the applicable amount for the qualified residence based on energy efficiency improvements made by the taxpayer and placed in service during such taxable year, or

''(2) 30 percent of the amount paid or incurred by the taxpayer for energy efficiency improvements made to the qualified residence that were placed in service during such taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the applicable amount shall be an amount equal to $1,750 increased (but not above $6,500) by $300 for every 5 percentage points by which the efficiency ratio for the qualified residence is certified to be greater than 20 percent.

''(2) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified residence shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the projected annual level of energy consumption of the qualified residence after the energy efficiency improvements have been placed in service, and

''(ii) the annual level of energy consumption of such qualified residence prior to the energy efficiency improvements being placed in service, by

''(B) the annual level of energy consumption described in subparagraph (A)(ii).

''(3) COORDINATION WITH CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.—For purposes of paragraph (2)(A), the determination of the difference in annual levels of energy consumption of the qualified residence shall not include any reduction in net energy consumption related to qualified property or energy storage property for which a credit was allowed under section 25D.

''(c) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED RESIDENCE.—The term 'qualified residence' means a dwelling unit—

''(A) located in the United States,

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), and

''(C) which is certified to have—

''(i) a projected annual level of energy consumption after the energy efficiency improvements have been placed in service that is less than the annual level of energy consumption prior to the energy efficiency improvements being placed in service, and

''(ii) an efficiency ratio of not less than 20 percent.

''(2) ENERGY EFFICIENCY IMPROVEMENTS.—

''(A) IN GENERAL.—The term 'energy efficiency improvements' means any property

installed on or in a dwelling unit which has been certified to reduce the level of energy consumption for such unit or to provide for onsite generation of electricity or useful thermal energy, provided that—

''(i) the original use of such property commences with the taxpayer, and

''(ii) such property reasonably can be expected to remain in use for at least 5 years.

''(B) AMOUNTS PAID OR INCURRED FOR ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of subsection (a)(2), the amount paid or incurred by the taxpayer—

''(i) shall include expenditures for design and for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property, and

''(ii) shall not include any expenditures related to expansion of the building envelope.

''(d) SPECIAL RULES.—For purposes of this section:

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures for energy efficiency improvements of such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures for energy efficiency improvements of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(3) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of a property is for nonbusiness purposes, only that portion of the expenditures for energy efficiency improvements for such property which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(e) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, with such calculations to take into account onsite generation of electricity or useful thermal energy, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' has the same meaning given such term under section 45L(d)(2).

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditures with respect to any energy efficiency improvements, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.

''(g) COORDINATION WITH INVESTMENT CREDITS.—For purposes of this section, expenditures taken into account under section 25D or 47 shall not be taken into account under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Credit for energy efficiency improvements to residential buildings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any energy efficiency improvements placed in service after December 31, 2017.

SEC. 6033. DEDUCTION FOR NEW ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) IN GENERAL.—Section 179D is amended to read as follows:

''SEC. 179D. ENERGY EFFICIENT COMMERCIAL BUILDING DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the applicable amount for each qualified building placed in service by the taxpayer during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to the product of—

''(A) the applicable dollar value, and

''(B) the square footage of the qualified building.

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A), the applicable dollar value shall be an amount equal to $1.00 increased (but not above $4.75) by $0.25 for every 5 percentage points by which the efficiency ratio for the qualified building is certified to be greater than 25 percent.

''(3) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified building shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the annual level of energy consumption of the qualified building, and

''(ii) the annual level of energy consumption of the baseline building, by

''(B) the annual level of energy consumption of the baseline building.

''(4) BASELINE BUILDING.—For purposes of this section, the baseline building shall be a building which—

''(A) is comparable to the qualified building, and

''(B) meets the minimum requirements of Standard 90.1-2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on December 31, 2014).

''(c) QUALIFIED BUILDING.—The term 'qualified building' means a building—

''(1) located in the United States,

''(2) which is owned by the taxpayer, and

''(3) which is certified to have an annual level of energy consumption that is less than the baseline building and an efficiency ratio of not less than 25 percent.

''(d) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—In the case of a qualified building owned by an eligible entity, the Secretary shall promulgate regulations to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property, with such person to be treated as the taxpayer for purposes of this section.

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means—

''(A) a Federal, State, or local government or a political subdivision thereof,

''(B) an Indian tribe (as defined in section 45A(c)(6)), or

''(C) an organization described in section 501(c) and exempt from tax under section 501(a).

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any qualified building, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy consumption levels as required by the Secretary, and

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy consumption levels and the deduction allowed under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 179D and inserting after the item relating to section 179C the following item:

''Sec. 179D. Energy efficient commercial building deduction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified building placed in service after December 31, 2017.

SEC. 6034. ENERGY EFFICIENCY DEDUCTION FOR EXISTING COMMERCIAL BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179E the following new section:

''SEC. 179F. DEDUCTION FOR ENERGY EFFICIENCY IMPROVEMENTS TO COMMERCIAL BUILDINGS.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the lesser of—

''(1) the applicable amount for the qualified building based on energy efficiency improvements made by the taxpayer and placed in service during the taxable year, or

''(2) 30 percent of the amount paid or incurred by the taxpayer for energy efficiency improvements made to the qualified building which were placed in service during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to the product of—

''(A) the applicable dollar value, and

''(B) the square footage of the qualified building.

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1), the applicable dollar value shall be an amount equal to $1.25 increased (but not above $9.25) by $0.50 for every 5 percentage points by which the efficiency ratio for the qualified building is certified to be greater than 20 percent.

''(3) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified building shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the projected annual level of energy consumption of the qualified building after the energy efficiency improvements have been placed in service, and

''(ii) the annual level of energy consumption of such qualified building prior to the energy efficiency improvements being placed in service, by

''(B) the annual level of energy consumption described in subparagraph (A)(ii).

''(4) COORDINATION WITH CLEAN ENERGY INVESTMENT CREDIT.—For purposes of paragraph (3)(A), the determination of the difference in annual levels of energy consumption of the qualified building shall not include any reduction in net energy consumption related to qualified property or energy storage property for which a credit was allowed under section 48E.

''(c) DEFINITIONS.—

''(1) QUALIFIED BUILDING.—The term 'qualified building' means a building—

''(A) located in the United States,

''(B) which is owned by the taxpayer, and

''(C) which is certified to have—

''(i) a projected annual level of energy consumption after the energy efficiency improvements have been placed in service that is less than the annual level of energy consumption prior to the energy efficiency improvements being placed in service, and

''(ii) an efficiency ratio of not less than 20 percent.

''(2) ENERGY EFFICIENCY IMPROVEMENTS.—

''(A) IN GENERAL.—The term 'energy efficiency improvements' means any property installed on or in a qualified building which has been certified to reduce the level of energy consumption for such building or to increase onsite generation of electricity, provided that depreciation (or amortization in lieu of depreciation) is allowable with respect to such property.

''(B) AMOUNTS PAID OR INCURRED FOR ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of subsection (a)(2), the amount paid or incurred by the taxpayer—

''(i) shall include expenditures for design and for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property, and

''(ii) shall not include any expenditures related to expansion of the building envelope.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, with such calculations to take into account onsite generation of electricity or useful thermal energy, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' has the same meaning given such term under section 179D(f)(2).

''(e) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—In the case of a qualified building owned by an eligible entity, the Secretary shall promulgate regulations to allow the allocation of the deduction to the person primarily responsible for designing the energy efficiency improvements in lieu of the owner of such property, with such person to be treated as the taxpayer for purposes of this section.

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' has the same meaning given such term under section 179D(d)(2).

''(f) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficiency improvements, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(g) COORDINATION WITH OTHER CREDITS.—For purposes of this section, expenditures taken into account under section 47 or 48E shall not be taken into account under this section.''.

(b) CONFORMING AMENDMENT.—

(1) Section 263(a) is amended—

(A) in subparagraph (K), by striking ''or'' at the end,

(B) in subparagraph (L), by striking the period and inserting '', or'', and

(C) by inserting at the end the following new subparagraph:

''(M) expenditures for which a deduction is allowed under section 179F.''.

(2) Section 312(k)(3)(B) is amended—

(A) in the heading, by striking ''OR 179E'' and inserting ''179E, OR 179F'', and

(B) by striking ''or 179E'' and inserting ''179E, or 179F''.

(3) Section 1016(a) is amended—

(A) in paragraph (36), by striking ''and'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', and'', and

(C) by inserting at the end the following new paragraph:

''(38) to the extent provided in section 179D(f).''.

(4) Section 1245(a) is amended—

(A) in paragraph (2)(C), by inserting ''179F,'' after ''179E,'', and

(B) in paragraph (3)(C), by inserting ''179F,'' after ''179E,''.

(5) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Deduction for energy efficiency improvements to commercial buildings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any energy efficiency improvements placed in service after December 31, 2017.

Subtitle D—Clean Electricity and Fuel Bonds

SEC. 6041. CLEAN ENERGY BONDS.

(a) IN GENERAL.—Subpart J of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54BB. CLEAN ENERGY BONDS.

''(a) IN GENERAL.—If a taxpayer holds a clean energy bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a clean energy bond is 28 percent of the amount of interest payable by the issuer with respect to such date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) CLEAN ENERGY BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'clean energy bond' means any bond issued as part of an issue if—

''(A) 100 percent of the excess of the available project proceeds (as defined in section 54A(e)(4)) of such issue over the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue are to be used for capital expenditures incurred by an entity described in subparagraph (B) for 1 or more qualified facilities,

''(B) the bond is issued by—

''(i) a governmental body (as defined in paragraph (3) of section 54C(d)),

''(ii) a public power provider (as defined in paragraph (2) of such section), or

''(iii) a cooperative electric company (as defined in paragraph (4) of such section), and

''(C) the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a clean energy bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6433,

''(B) for purposes of section 148, the yield on a clean energy bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a clean energy bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(3) QUALIFIED FACILITY.—The term 'qualified facility' means a facility—

''(A) which is described in subsection (e)(3) of section 45S and has a greenhouse gas emissions rate of less than 186 grams of CO_2e per KWh (as such terms are defined in subsections (b)(1) and (e)(1) of such section), or

''(B) which is described in subsection (e)(4) of section 45T and only produces transportation fuel which has an emissions rate of less than 38.62 kilograms of CO_2e per mmBTU (as such terms are defined in subsections (b) and (e) of such section).

''(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the clean energy bond is entitled to a payment of interest under such bond.

''(f) CREDIT PHASE OUT.—

''(1) ELECTRICAL PRODUCTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a clean energy bond for

which the proceeds are used for capital expenditures incurred by an entity for a qualified facility described in subsection (d)(3)(A), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than the percentage specified in section 45S(d)(1), the amount of the credit determined under subsection (b) with respect to any clean energy bond issued during a calendar year described in paragraph (3) shall be equal to the product of—

''(i) the amount determined under subsection (b) without regard to this subsection, multiplied by

''(ii) the phase-out percentage under paragraph (3).

''(B) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in section 45S(d)(1), then the determination described in subparagraph (A) shall be deemed to have been made for calendar year 2025.

''(2) FUEL PRODUCTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a clean energy bond for which the proceeds are used for capital expenditures incurred by an entity for a qualified facility described in subsection (d)(3)(B), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are equal to or less than the percentage specified in section 45T(d)(1), the amount of the credit determined under subsection (b) with respect to any clean energy bond issued during a calendar year described in paragraph (3) shall be equal to the product of—

''(i) the amount determined under subsection (b) without regard to this subsection, multiplied by

''(ii) the phase-out percentage under paragraph (3).

''(B) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States for each year before calendar year 2026 are greater than the percentage specified in section 45T(d)(1), then the determination described in subparagraph (A) shall be deemed to have been made for calendar year 2025.

''(3) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any bond issued during the first calendar year following the calendar year in which the determination described in paragraph (1)(A) or (2)(A) is made, 75 percent,

''(B) for any bond issued during the second calendar year following such determination year, 50 percent,

''(C) for any bond issued during the third calendar year following such determination year, 25 percent, and

''(D) for any bond issued during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(g) SPECIAL RULES.—

''(1) INTEREST ON CLEAN ENERGY BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any clean energy bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6433.''.

(b) CREDIT FOR QUALIFIED CLEAN ENERGY BONDS ALLOWED TO ISSUER.—Subchapter B of chapter 65 of subtitle F is amended by adding at the end the following new section:

''SEC. 6433. CREDIT FOR QUALIFIED CLEAN ENERGY BONDS ALLOWED TO ISSUER.

''(a) IN GENERAL.—The issuer of a qualified clean energy bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such interest payments on behalf of the issuer) 28 percent of the interest payable under such bond on such date.

''(2) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

''(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified clean energy bond shall be reduced by the credit allowed under this section.

''(d) QUALIFIED CLEAN ENERGY BOND.—For purposes of this section, the term 'qualified clean energy bond' means a clean energy bond (as defined in section 54BB(d)) issued as part of an issue if the issuer, in lieu of any credit allowed under section 54BB(a) with respect to such bond, makes an irrevocable election to have this section apply.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart J of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54BB. Clean energy bonds.''.

(2) The heading of such subpart (and the item relating to such subpart in the table of subparts for part IV of subchapter A of chapter 1) are each amended by striking ''**Build America Bonds**''and inserting ''**Build America Bonds and Clean Energy Bonds**''.

(3) The table of sections for subchapter B of chapter 65 of subtitle F is amended by adding at the end the following new item:

''Sec. 6433. Credit for qualified clean energy bonds allowed to issuer.''.

(4) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 6431'' and inserting ''6431, and 6433''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SA 3239. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 3240. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any

amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action.''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) of such Code is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 of such Code is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SA 3241. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. ____. Notwithstanding any other provisions of this Act, sections 2303, 3009 and 3017 shall have no force or effect.

SA 3242. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. ____. Notwithstanding any other provisions of this Act, sections 1004, 2303, 3009 and 3017 shall have no force or effect.

SA 3243. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 34____. FEDERAL COAL LEASING PROGRAM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal coal leasing program should be reviewed—

(A) to ensure that taxpayers receive a fair rate of return for Federal minerals;

(B) to provide appropriate transparency; and

(C) to ensure that management of Federal land and minerals is in the public interest;

(2) the responsible development of coal resources on Federal land provides an important source of jobs and revenue for States and local economies; and

(3) the review under paragraph (1) should be completed as soon as practicable after the date of enactment of this Act.

(b) ROYALTY POLICY COMMITTEE.—

(1) IN GENERAL.—To ensure consultation with key State, tribal, environmental, energy and Federal stakeholders, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall reestablish the Royalty Policy Committee (referred to in this subsection as the ''Committee'') in accordance with the charter of the Secretary of the Interior, dated March 26, 2010, as modified by this subsection.

(2) DUTIES.—The Committee shall—

(A) provide advice to the Secretary of the Interior, acting through the Director of the Office of Natural Resource Revenue, on the management of Federal and Indian mineral leases and revenues under the law governing the Department of the Interior;

(B) review and comment on revenue management and other mineral and energy-related policies; and

(C) provide a forum to convey views representative of mineral lessees, operators, revenue payers, revenue recipients, governmental agencies, and public interest groups.

(3) ADVISORY.—The duties of the Committee shall be solely advisory.

(4) MEETINGS.—The Committee shall meet at least once a year at the request of the Secretary of the Interior.

(5) DURATION.—The charter of the Committee may be renewed in 2-year increments by the Secretary of the Interior.

(6) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior shall appoint non-Federal members and alternates to the Committee for a term of up to 3 years.

(B) TERMS.—

(i) IN GENERAL.—The terms of non-Federal Committee members and alternates shall be staggered to preserve the integrity of the Committee.

(ii) TERMS.—Except as provided in clause (iii), the terms of new or reappointed non-Federal members of the Committee shall be 3 years.

(iii) SHORTER TERMS.—If a term of 3 years would result in more than ⅓ of the terms of the non-Federal members expiring in any year, appointments of non-Federal members may be extended for 1-year or 2-terms to provide continuity of the Committee.

(iv) MAXIMUM NUMBER OF YEARS.—

(I) IN GENERAL.—Subject to subclause (II), non-Federal members may not serve more than 6 consecutive years as a member of the Committee.

(II) REAPPOINTMENT.—After a 2-year break in service, any non-Federal member who have served 6 consecutive years shall be eligible for reappointment to the Committee.

(C) MEETINGS.—The Secretary of the Interior may revoke the appointment of a member of the Committee and the alternate if the appointed member or alternate fails to attend 2 or more consecutive meetings of the Committee.

(D) BALANCED REPRESENTATION.—Committee members shall be comprised of non-Federal and Federal members in order to ensure fair and balanced representation with consideration for the efficiency and fiscal economy of the Committee.

(E) DISCRETIONARY SERVICE.—All members of the Committee shall serve at the discretion of the Secretary of the Interior.

(F) NON-FEDERAL MEMBERS.—In appointing non-Federal members of the Committee, the Secretary of the Interior shall appoint up to—

(i) 5 members who represent States that receive over $10,000,000 annually in royalty revenues from Federal leases;

(ii) 5 members who represent Indian tribes;

(iii) 5 members who represent various mineral or energy interests; and

(iv) 5 members who represent public interest groups.

(G) FEDERAL MEMBERS.—The following officials, or their designees, shall be nonvoting, ex-officio members of the Committee:

(i) The Assistant Secretary of Indian Affairs

(ii) The Director of the Bureau of Land Management.

(iii) The Director of the Office of Natural Resources Revenue.

(7) SUBCOMMITTEES.—

(A) IN GENERAL.—Subject to the approval of the Secretary of the Interior and subparagraph (B), subcommittees or workgroups of the Committee may be formed for the purposes of compiling information or conducting research.

(B) ADMINISTRATION.—Subcommittees or workgroups of the Committee shall—

(i) act only under the direction of the Committee; and

(ii) report their recommendations to the full Committee for consideration.

(C) APPOINTMENT.—The Committee Chair, with the approval of the Secretary of the Interior, shall appoint subcommittee or workgroup members.

(D) MEETINGS.—Subcommittees and workgroups of the Committee shall meet as necessary to accomplish assignments, subject to the approval of the Secretary of the Interior and the availability of resources.

(c) EMERGENCY LEASING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall amend section 3425.1-4 of title 43, Code of Federal Regulations and Secretarial Order 3338, dated January 15, 2016, to authorize earlier emergency leasing than is authorized under section 3425.1-4 of title 43, Code of Federal Regulations (as of the date of enactment of this Act).

(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall substitute ''4 years'' for ''3 years'' each place it appears in section 3425.1-4 of title 43, Code of Federal Regulations for the duration of the programmatic review of the Federal coal program and the limitations on the issuance of Federal coal leases described in Secretarial Order 3338.

SA 3244. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended to read as follows:

''SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

''Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(1) 87.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury, to be used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate; and

''(2) 12.5 percent of qualified outer Continental Shelf revenues in a special account in the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, from which the Secretary shall disburse, without further appropriation, 100 percent to provide financial assistance to States in accordance with section 200305 of that title, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.''.

SA 3245. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARIES.

(a) IN GENERAL.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended—

(1) in the first sentence, by striking ''The'' and inserting the following:

''(a) GENERAL RULE.—

''(1) IN GENERAL.—Except for the States described in subsection (b), the'';

(2) in the second sentence, by striking ''Any State'' and inserting the following:

''(2) EXTENSIONS.—Any State'';

(3) in the third sentence, by striking ''Any claim'' and inserting the following:

''(3) CLAIMS.—Any claim'';

(4) in the fourth sentence, by striking ''Nothing'' and inserting the following:

''(4) PRIOR APPROVAL.—Nothing''; and

(5) by adding at the end the following:

''(b) SEAWARD BOUNDARIES OF CERTAIN COASTAL STATES.—Subject to subsection (a), for management activities pursuant to the fishery management plan for the reef fish resources of the Gulf of Mexico or any amendment to such plan, the seaward boundary of each of the following States shall be a line 3 marine leagues distant from the coast line of the State as of the date that is 1 day before the date of enactment of this subsection:

''(1) Alabama.

''(2) Florida.

''(3) Louisiana.

''(4) Mississippi.''.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by inserting '', or 3 marine leagues distant from the coast line of a State described in section 4(b),'' after ''the coast line of each such State''; and

(2) in subsection (b)—

(A) by striking ''from the coast line'';

(B) by inserting ''from the coast line of a State, or more than 3 marine leagues from the coast line of a State described in section 4(b),'' after ''three geographical miles''; and

(C) by inserting ''from the coast line of a State, or more than 3 marine leagues from the coast line of a State described in section 4(b),'' after ''three marine leagues''.

SA 3246. Mr. ENZI (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—NATIONAL FOREST SYSTEM TRAIL MAINTENANCE

SEC. 6001. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE UNIT.—The term ''Administrative Unit'' means a national forest or national grassland.

(2) OUTFITTER OR GUIDE.—The term ''outfitter or guide'' means an individual, organization, or business who provides outfitting or guiding services, as defined in section 251.51 of title 36, Code of Federal Regulations.

(3) PARTNER.—The term ''partner'' means a non-Federal entity that engages in a partnership.

(4) PARTNERSHIP.—The term ''partnership'' means arrangements between the Department of Agriculture or the Forest Service and a non-Federal entity that are voluntary, mutually beneficial, and entered into for the purpose of mutually agreed upon objectives.

(5) PRIORITY AREA.—The term ''priority area'' means a well-defined region on National Forest System land selected by the Secretary under section 6003(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) STRATEGY.—The term ''strategy'' means the National Forest System Trails Volunteer and Partnership Strategy authorized by section 6002(a).

(8) TRAIL MAINTENANCE.—The term ''trail maintenance'' means any activity to maintain the usability and sustainability of trails within the National Forest System, including—

(A) ensuring trails are passable by the users for which they are managed;

(B) preventing environmental damage resulting from trail deterioration;

(C) protecting public safety; and

(D) averting future deferred maintenance costs.

(9) VOLUNTEER.—The term ''volunteer'' means an individual whose services are accepted by the Secretary without compensation under the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.).

SEC. 6002. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER AND PARTNERSHIP STRATEGY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in trail maintenance.

(b) REQUIRED ELEMENTS.—The strategy required by subsection (a) shall—

(1) augment and support the capabilities of Federal employees to carry out or contribute to trail maintenance;

(2) provide meaningful opportunities for volunteers and partners to carry out trail maintenance in each region of the Forest Service;

(3) address the barriers to increased volunteerism and partnerships in trail maintenance identified by volunteers, partners, and others;

(4) prioritize increased volunteerism and partnerships in trail maintenance in those regions with the most severe trail maintenance needs, and where trail maintenance backlogs are jeopardizing access to National Forest lands; and

(5) aim to increase trail maintenance by volunteers and partners by 100 percent by the date that is 5 years after the date of the enactment of this Act.

(c) ADDITIONAL REQUIREMENT.—As a component of the strategy, the Secretary shall study opportunities to improve trail maintenance by addressing opportunities to use fire crews in trail maintenance activities in a manner that does not jeopardize firefighting capabilities, public safety, or resource protection. Upon a determination that trail maintenance would be advanced by use of fire crews in trail maintenance, the Secretary shall incorporate these proposals into the strategy, subject to such terms and conditions as the Secretary determines to be necessary.

(d) VOLUNTEER LIABILITY.—

(1) IN GENERAL.—Section 3 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558c) is amended by adding at the end the following new subsection:

''(e) For the purposes of subsections (b), (c), and (d), the term 'volunteer' includes a person providing volunteer services to the Secretary who—

''(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement with the Secretary; and

''(2) performs such volunteer services under the supervision of the cooperator as directed by the Secretary in the mutual benefit agreement, including direction that specifies—

''(A) the volunteer services to be performed by the volunteers and the supervision to be provided by the cooperator;

''(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; and

''(C) the on-site visits to be made by the Secretary, when feasible, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon.''.

(2) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall adopt regulations implementing this section. These regulations shall ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.

(e) CONSULTATION.—The Secretary shall develop the strategy in consultation with volunteer and partner trail maintenance organizations, a broad array of outdoor recreation stakeholders, and other relevant stakeholders.

(f) VOLUNTEER AND PARTNERSHIP COORDINATION.—The Secretary shall require each administrative unit to develop a volunteer and partner coordination implementation plan for the strategy which clearly defines roles and responsibilities for the administrative unit and district staff, and includes strategies to ensure sufficient coordination, assistance, and support for volunteers and partners to improve trail maintenance.

(g) REPORT.—

(1) CONTENTS.—The Secretary shall prepare a report on—

(A) the effectiveness of the strategy in addressing the trail maintenance backlog;

(B) the increase in volunteerism and partnership efforts on trail maintenance as a result of the strategy;

(C) the miles of National Forest System trails maintained by volunteers and partners, and the approximate value of the volunteer and partnership efforts;

(D) the status of the stewardship credits for outfitters and guides pilot program described in section 6005 that includes the number of participating sites, total amount of the credits offered, estimated value of trail maintenance performed, and suggestions for revising the program; and

(E) recommendations for further increasing volunteerism and partnerships in trail maintenance.

(2) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit the report required by paragraph (1) to—

(A) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives.

SEC. 6003. PRIORITY TRAIL MAINTENANCE PROGRAM.

(a) SELECTION.—In accordance with subsections (b) and (c), not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall select no fewer than 9 and no more than 15 priority areas for increased trail maintenance accomplishments.

(b) CRITERIA.—Priority areas shall include a well-defined region on National Forest System land where the lack of trail maintenance has—

(1) reduced access to public land;

(2) led to an increase, or risk of increase, in harm to natural resources;

(3) jeopardized public safety;

(4) resulted in trails being impassible by the intended managed users; or

(5) increased future deferred trail maintenance costs.

(c) REQUIREMENTS.—In selecting priority areas, the Secretary shall—

(1) consider any public input on priority areas received within 3 months of the date of enactment of this Act;

(2) consider the range of trail users (including motorized and non-motorized trail users); and

(3) include at least one priority area in each region of the United States Forest Service.

(d) INCREASED TRAIL MAINTENANCE.—

(1) IN GENERAL.—Within 6 months of the selection of priority areas under subsection (a), and in accordance with paragraph (2), the Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area.

(2) CONTENTS.—In developing the approach under paragraph (1), the Secretary shall—

(A) consider any public input on trail maintenance priorities and needs within any priority area;

(B) consider the costs and benefits of increased trail maintenance within each priority area; and

(C) incorporate partners and volunteers in the trail maintenance.

(3) REQUIRED TRAIL MAINTENANCE.—Utilizing the approach developed under paragraph (1), the Secretary shall substantially increase trail maintenance within each priority area.

(e) COORDINATION.—The regional volunteer and partnership coordinators may be responsible for assisting partner organizations in developing and implementing volunteer and partnership projects to increase trail maintenance within priority areas.

(f) REVISION.—The Secretary shall periodically review the priority areas to determine whether revisions are necessary and may revise the priority areas, including the selection of new priority areas or removal of existing priority areas, at his sole discretion.

SEC. 6004. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with any State, tribal, local governmental, and private entity to carry out this title.

(b) CONTENTS.—Cooperative agreements authorized under this section may—

(1) improve trail maintenance in a priority area;

(2) implement the strategy; or

(3) advance trail maintenance in a manner deemed appropriate by the Secretary.

SEC. 6005. STEWARDSHIP CREDITS FOR OUTFITTERS AND GUIDES.

(a) PILOT PROGRAM.—Within 1 year after the date of enactment of this Act, in accordance with this section, the Secretary shall establish a pilot program on not less than 20 administrative units to offset all or part of the land use fee for an outfitting and guiding permit by the cost of the work performed by the permit holder to construct, improve, or maintain National Forest System trails, trailheads, or developed sites that support public use under terms established by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—In establishing the pilot program authorized by subsection (a), the Secretary shall—

(1) select administrative units where the pilot program will improve trail maintenance; and

(2) establish appropriate terms and conditions, including meeting National Quality Standards for Trails and the Trail Management Objectives identified for the trail.

SA 3247. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

"SEC. 1420A. LEAD PREVENTION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the City of Flint, Michigan.

''(2) STATE.—The term 'State' means the State of Michigan.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Using funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016, the Administrator shall make grants to the State and the City for use in accordance with this subsection.

''(2) USE OF FUNDS.—The use of funds from a grant made under this subsection shall be—

''(A) determined by the Administrator, in consultation with the State and the City; and

''(B) used only for an activity authorized under paragraph (3).

''(3) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Administrator may authorize the use by the State or the City of funds from a grant under this subsection to carry out any activity that the Administrator determines is necessary to ensure that the drinking water supply of the City does not contain—

''(i) lead levels that threaten public health or the environment; or

''(ii) lead, other drinking water contaminants, and pathogens that pose a threat to public health.

''(B) INCLUSIONS.—Authorized activities under subparagraph (A) may include—

''(i) testing, evaluation, and sampling of public and private water service lines in the water distribution system of the City;

''(ii) repairs and upgrades to water treatment facilities that serve the City;

''(iii) optimization of corrosion control treatment of the public and private water service lines in the water distribution system of the City;

''(iv) repairs to water mains and replacement of public and private water service lines in the water distribution system of the City; and

''(v) modification or construction of new pipelines and treatment system startup evaluations needed to ensure optimal treatment of water from the Karegnondi Water Authority before and after the transition to this new source.

''(4) MATCHING REQUIREMENT.—As a condition of the State or the City receiving a grant under this subsection, the Administrator shall require the State to provide funds from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Unless explicitly waived, the requirements of section 1450(e) apply to funding made available under this subsection.

''(c) ADMINISTRATION.—The Administrator may use funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016—

''(1) for the costs of technical assistance provided by the Environmental Protection Agency or by contractors of the Environmental Protection Agency; and

''(2) for administrative activities in support of authorized activities.

''(d) REPORT.—Not later than 45 days after the first day of each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Administrator shall submit to the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the actions taken to carry out the purposes of the grant program, as described in subsection (b)(3).

''(e) SUNSET.—The authority provided by this section terminates on March 1, 2021.''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, that in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means the City of Flint, Michigan.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means the State of Michigan.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, public health agencies of Genesee County in the State, and the State in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Conduct research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Develop lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Conduct education and outreach efforts for the City, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct regular meetings in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Biannually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or with the Center; and

(3) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

SEC. 4805. FUNDING.

(a) LEAD PREVENTION GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 5 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) $400,000,000, to remain available until March 1, 2021.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Environmental Protection Agency shall be entitled to receive, shall accept, and shall use to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) the funds transferred under paragraph (1), without further appropriation.

(3) REVERSION OF FUNDS.—Any funds transferred under paragraph (1) that are unobligated as of March 1, 2021, shall revert to the general fund of the Treasury.

(b) CENTER OF EXCELLENCE ON LEAD EXPOSURE.—

(1) IN GENERAL.—On October 1, 2016, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out section 4804 $20,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Health and Human Services shall be entitled to receive, shall accept, and shall use to carry out section 4804 the funds transferred under paragraph (1), without further appropriation.

SEC. 4806. EMERGENCY DESIGNATION.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3248. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention of and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (f)(2), the Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator $200,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (A) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $60,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator, in consultation with the Director of the Office of Management and Budget, shall provide to an eligible State a secured loan under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(D) EXCESS AMOUNTS.—If the Administrator determines, in fiscal year 2020 or any fiscal year thereafter, that an amount less than $60,000,000 for credit subsidies is required to issue secured loans under subparagraph (A) for the fiscal year, the excess amount made available under this paragraph for that fiscal year shall be transferred to the Leaking Underground Storage Tank Trust Fund established by section 9508(a) of the Internal Revenue Code of 1986.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION, FLINT, MICHIGAN.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the City of Flint, Michigan.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(h) OFFSET.—

(1) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $260,000,000 to be transferred to the Administrator of the Environmental Protection Agency for purposes of making expenditures described in section 4801 of the Energy Policy Modernization Act of 2016.''.

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of

lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring on a voluntary basis for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support through a grant or contract research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2016, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $20,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

(3) OFFSET.—

(A) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986, as amended by section 4801, is amended by adding at the end the following new paragraph:

''(5) ADDITIONAL TRANSFER TO HHS.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred to the Secretary of Health and Human Services $20,000,000 on October 1, 2016, for purposes of making expenditures to carry out the requirements of section 4804 of the Energy Policy Modernization Act of 2016.''.

(B) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code, as amended by section 4801, is amended by striking ''and (4)'' and inserting ''(4), and (5)''.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of

any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle J—Contamination on Transferred Land

SEC. 4901. RESPONSE ACTIONS ON ALASKA NATIVE CLAIMS CONVEYANCES.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended by adding at the end the following:

''(k) ALASKA NATIVE CLAIMS CONVEYANCES.—

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

''(A) HAZARDOUS SUBSTANCE.—In addition to the substances included in the definition of the term in section 101(14), the term 'hazardous substance' includes petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

''(B) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S. 1602).

''(2) OBLIGATION TO TAKE RESPONSE ACTION.—

''(A) IN GENERAL.—The United States shall be responsible for taking all response actions necessary to ensure the protection of human health and the environment with regard to the release or threatened release of any hazardous substance on land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) prior to the date of enactment of this subsection.

''(B) REQUIREMENT.—All response actions shall be taken consistent with this Act and the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

''(3) ENFORCEMENT.—A Native Corporation may commence a civil action for enforcement of this subsection in accordance with section 310 on or before the date that is 6 years after the date of enactment of this subsection.''.

SA 3249. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention of and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (f)(2), the Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(C) LIMITATION.—No project receiving a secured loan under this subsection may be financed (directly or indirectly), in whole or in part, with proceeds of any obligation—

(i) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which a credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator $200,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (A) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $60,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator, in consultation with the Director of the Office of Management and Budget, shall provide to an

eligible State a secured loan under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(D) EXCESS AMOUNTS.—If the Administrator determines, in fiscal year 2020 or any fiscal year thereafter, that an amount less than $60,000,000 for credit subsidies is required to issue secured loans under subparagraph (A) for the fiscal year, the excess amount made available under this paragraph for that fiscal year shall be transferred to the Leaking Underground Storage Tank Trust Fund established by section 9508(a) of the Internal Revenue Code of 1986.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION, FLINT, MICHIGAN.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the City of Flint, Michigan.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(h) OFFSET.—

(1) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $260,000,000 to be transferred to the Administrator of the Environmental Protection Agency for purposes of making expenditures described in section 4801 of the Energy Policy Modernization Act of 2016.''.

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring on a voluntary basis for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support through a grant or contract research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition

Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2016, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $20,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

(3) OFFSET.—

(A) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986, as amended by section 4801, is amended by adding at the end the following new paragraph:

''(5) ADDITIONAL TRANSFER TO HHS.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred to the Secretary of Health and Human Services $20,000,000 on October 1, 2016, for purposes of making expenditures to carry out the requirements of section 4804 of the Energy Policy Modernization Act of 2016.''.

(B) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code, as amended by section 4801, is amended by striking ''and (4)'' and inserting ''(4), and (5)''.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle J—Contamination on Transferred Land

SEC. 4901. RESPONSE ACTIONS ON ALASKA NATIVE CLAIMS CONVEYANCES.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended by adding at the end the following:

''(k) ALASKA NATIVE CLAIMS CONVEYANCES.—

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

''(A) HAZARDOUS SUBSTANCE.—In addition to the substances included in the definition of the term in section 101(14), the term 'hazardous substance' includes petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

''(B) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S. 1602).

''(2) OBLIGATION TO TAKE RESPONSE ACTION.—

''(A) IN GENERAL.—The United States shall be responsible for taking all response actions necessary to ensure the protection of human health and the environment with regard to the release or threatened release of any hazardous substance on land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) prior to the date of enactment of this subsection.

''(B) REQUIREMENT.—All response actions shall be taken consistent with this Act and the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

''(3) ENFORCEMENT.—A Native Corporation may commence a civil action for enforcement of this subsection in accordance with section 310 on or before the date that is 6 years after the date of enactment of this subsection.''.

SA 3250. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1104 (relating to third-party certification under the Energy Star program).

SA 3251. Mr. INHOFE (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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).''.

SA 3252. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between lines 3 and 4, insert the following:

(i) COORDINATED REVIEW.—In the case of an interstate natural gas pipeline project, for purposes of the due process requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Commission shall consider, and address in the environmental impact statement required for the

interstate natural gas pipeline project under that Act, the cumulative impacts of other interstate natural gas pipeline projects located within the same State, within 100 miles of the project, that are filed with the Commission—

(1) during the 1-year period beginning on the filing of the initial project with the Commission; and

(2) before the issuance of the draft environmental impact statement by the Commission.

SA 3253. Mr. ISAKSON (for himself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1008.

Strike subtitle G of title III.

SA 3254. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) IN GENERAL.—Subsection (a) of section 136 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting '', or'', and

(3) by adding at the end the following new paragraph:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation measure or storm water management measure.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION MEASURE.—For purposes of this section, the term 'water conservation measure' means any installation or modification primarily designed to reduce consumption of water or to improve the management of water demand with respect to a dwelling unit.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to manage amounts of storm water with respect to a dwelling unit.''.

(2) DEFINITION OF PUBLIC UTILITY.—Subparagraph (B) of section 136(c)(4) of such Code (as redesignated by paragraph (1)(C)) is amended by striking ''or natural gas'' and inserting '', natural gas, or water or the provision of storm water management''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 136 of such Code is amended—

(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and

(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of such Code is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after January 1, 2015.

SA 3255. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31___. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in paragraph (1), by striking ''50'' and inserting ''25''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''75'';

(B) in subparagraph (A)—

(i) by striking ''75'' and inserting ''50''; and

(ii) by striking ''and'' after the semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) 25 percent to provide financial assistance to States in accordance with section 906(b) of the National Oceans and Coastal Security Act (Public Law 114–113), which shall be considered income to the National Oceans and Coastal Security Fund for purposes of section 904 of that Act.''.

SA 3256. Mr. SCHATZ (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2307 and insert the following:

SEC. 2307. STATE AND REGIONAL ENERGY PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' has the meaning given the term in sections 6302 and 6305 of title 31, United States Code.

(2) 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).

(3) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability in consultation with the Assistant Secretary of Energy Efficiency and Renewable Energy, the Assistant Secretary of Fossil Energy, and the Director of the Office of Nuclear Energy, Science, and Technology Programs; and

(B) the Secretary of the Interior, acting through the Assistant Secretary for Land and Minerals Management in consultation with the Director of the Bureau of Land Management, the Director of the Bureau of Ocean Energy Management, the Assistant Secretary for Indian Affairs, and the Assistant Secretary for Fish and Wildlife and Parks.

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(5) TRIBAL ORGANIZATION.—

(A) IN GENERAL.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSION.—The term ''tribal organization'' includes a Native Hawaiian organization (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)).

(b) REGIONAL ENERGY PARTNERSHIPS.—

(1) IN GENERAL.—The Secretaries shall provide assistance in accordance with this subsection for the purpose of developing energy strategies and plans that help harmonize and promote national, regional, and State energy goals, including goals for advancing resilient energy systems to mitigate risks and prepare for emerging energy challenges.

(2) ELECTRICITY DISTRIBUTION.—

(A) DISTRIBUTION PLANNING.—On the request of a State or a regional organization, the Secretary shall partner with the State or regional organization to facilitate the development of State and regional electricity distribution plans by—

(i) conducting a resource assessment and analysis of future demand and distribution requirements; and

(ii) developing open source tools for State and regional planning and operations.

(B) RISK AND SECURITY ANALYSIS.—An assessment under subparagraph (A)(i) shall include—

(i) an evaluation of the physical and cybersecurity needs of an advanced distribution management system and the integration of distributed energy resources; and

(ii) the advanced use of grid architecture to analyze risks in an all-hazards approach that includes communications infrastructure, control systems architecture, and power systems architecture.

(C) GRID INTEGRATION.—Consistent with the authorization of assistance provided to units of general local government and Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), the Secretary may provide assistance to a State or regional partnership (including a public-private partnership) to carry out projects designed to improve the performance and efficiency of the future electric grid that demonstrate—

(i) secure integration and management of 2 or more energy resources, including distributed energy generation, combined heat and power, micro-grids, energy storage, electric vehicles, energy efficiency, demand response, and intelligent loads; and

(ii) secure integration and interoperability of communications and information technologies.

(3) TECHNICAL ASSISTANCE.—In addition to the assistance authorized under paragraphs (1) and (2), the Secretaries may provide such technical assistance to States, political subdivisions of States, substate regional organizations (including organizations that cross State boundaries), multistate regional organizations, Indian tribes, tribal organizations,

and nonprofit organizations as the Secretaries determine appropriate to promote—

(A) the development and improvement of regional energy strategies and plans that sustain and promote energy system modernization across the United States;

(B) investment in energy infrastructure, technological capacity, innovation, and workforce development to keep pace with the changing energy ecosystem;

(C) the structural transformation of the financial, regulatory, legal, and institutional systems that govern energy planning, production, and delivery within States and regions; and

(D) public-private partnerships for the implementation of regional energy strategies and plans.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretaries may enter into cooperative agreements with 1 or more States and Indian tribes to develop and implement strategies and plans to address the energy challenges of States, Indian tribes, and regions.

(B) REQUIREMENTS.—A cooperative agreement entered into under this paragraph shall include provisions covering or providing—

(i) the purpose and goals of the cooperative agreement, such as advancing energy efficiency, clean energy, fuel and supply diversity, energy system resiliency, economic development, or other goals to make measurable, significant progress toward specified metrics and objectives that are agreed to by the States or Indian tribes and the Secretaries;

(ii) the roles and responsibilities of the States or Indian tribes and the Secretaries for various functions of the cooperative agreement, including outreach, communication, resources, and capabilities;

(iii) a comprehensive framework for the development of energy strategies and plans for States, Indian tribes, or regions;

(iv) timeframes with associated metrics and objectives;

(v) a governance structure to resolve conflicts and facilitate decision making consistent with underlying authorities; and

(vi) other provisions determined necessary by the Secretaries, in consultation with the States or Indian tribes, to achieve the purposes described in subparagraph (A).

(5) STAFF.—

(A) IN GENERAL.—Not later than 30 days after the date of the entering into a cooperative agreement under paragraph (4), the Secretaries shall, as appropriate, assign or employ individuals who have expertise in the technical and regulatory issues relating to the cooperative agreement, including particular expertise in (as applicable)—

(i) energy systems integration;

(ii) renewable energy and energy efficiency;

(iii) innovative financing mechanisms;

(iv) utility regulatory policy;

(v) modeling and analysis;

(vi) facilitation and arbitration;

(vii) energy assurance and emergency preparedness; and

(viii) cyber and physical security of energy systems.

(B) DUTIES.—Each individual assigned to carry out a cooperative agreement under subparagraph (A) shall—

(i) be responsible for issues and technical assistance relating to the cooperative agreement;

(ii) participate as part of the team of personnel working on developing and implementing the applicable regional energy strategy and plan; and

(iii) build capacity within the State, Indian tribe, or region to continue to implement the goals of this section after the expiration of the cooperative agreement.

(6) COMPREHENSIVE FRAMEWORK.—Under a cooperative agreement, a comprehensive framework shall be developed that identifies opportunities and actions across various energy sectors and cross-cutting issue areas, including—

(A) end-use efficiency;

(B) energy supply, including electric generation and fuels;

(C) energy delivery;

(D) transportation;

(E) technical integration, including standards and interdependencies;

(F) institutional structures;

(G) regulatory policies;

(H) financial incentives; and

(I) market mechanisms.

(7) AWARDS.—

(A) DEFINITIONS.—In this paragraph:

(i) APPLICATION GROUP.—The term ''application group'' means a group of States or Indian tribes that have—

(I) entered into a cooperative agreement, on a regional basis, with the Secretaries under paragraph (4); and

(II) submitted an application for an award under subparagraph (B)(i).

(ii) PARTNER STATE.—The term ''partner State'' means a State or Indian tribe that is part of an application group.

(B) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an application group may apply to the Secretaries for awards under this paragraph.

(ii) INDIVIDUAL STATES.—An individual State or Indian tribe that has entered into a cooperative agreement with the Secretaries under paragraph (4) may apply to the Secretaries for an award under this paragraph if the State or Indian tribe demonstrates to the Secretaries the uniqueness of the energy challenges facing the State or Indian tribe.

(C) BASE AMOUNT.—Subject to subparagraph (D), the Secretaries may provide not more than 6 awards under this paragraph, with a base amount of $20,000,000 for each award.

(D) BONUS AMOUNT FOR APPLICATION GROUPS.—

(i) IN GENERAL.—Subject to clause (ii), the Secretaries shall increase the amount of an award provided under this paragraph to an application group for a successful application under subparagraph (B)(i) by the quotient obtained by dividing—

(I) the product obtained by multiplying—

(aa) the number of partner States in the application group; and

(bb) $100,000,000; by

(II) the total number of partner States of all successful applications under this paragraph.

(ii) MAXIMUM AMOUNT.—The amount of a bonus determined under clause (i) shall not exceed an amount that represents $5,000,000 for each partner State that is a member of the relevant application group.

(E) LIMITATION.—A State or Indian tribe shall not be part of more than 1 award under this paragraph.

(F) SELECTION CRITERIA.—In selecting applications for awards under this paragraph, the Secretaries shall consider—

(i) existing commitments from States or Indian tribes, such as memoranda of understanding;

(ii) for States that are part of the contiguous 48 States, the number of contiguous States involved that cover a region;

(iii) the diversity of the regions represented by all applications;

(iv) the amount of cost-share or in-kind contributions from States or Indian tribes;

(v) the scope and focus of regional and State programs and strategies, with an emphasis on energy system resiliency and grid modernization, efficiency, and clean energy;

(vi) a management and oversight plan to ensure that objectives are met;

(vii) an outreach plan for the inclusion of stakeholders in the process for developing and implementing State or regional energy strategies and plans;

(viii) the inclusion of tribal entities;

(ix) plans to fund and sustain activities identified in regional energy strategies and plans;

(x) the clarity of roles and responsibilities of each State and the Secretaries; and

(xi) the average retail cost of electricity in the State.

(G) USE OF AWARDS.—

(i) IN GENERAL.—Awards provided under this paragraph shall be used to achieve the purpose of this section, including by—

(I) conducting technical analyses, resource studies, and energy system baselines;

(II) convening and providing education to stakeholders on emerging energy issues;

(III) building decision support and planning tools; and

(IV) improving communication between and participation of stakeholders.

(ii) LIMITATION.—Awards provided under this paragraph shall not be used for—

(I) capitalization of green banks or loan guarantees; or

(II) building facilities or funding capital projects.

(c) FUNDING.—

(1) AWARDS.—Of the amounts made available to carry out paragraphs (4) through (7) of subsection (b)—

(A) at least 40 percent shall be used for the bonus amount of awards under subsection (b)(7)(D); and

(B) not more than 10 percent shall be used for the administrative costs of carrying out this section, including—

(i) the assignment of staff under subsection (b)(5); and

(ii) if the Secretaries determine appropriate, the sharing of best practices from regional partnerships by parties to cooperative agreements entered into under this section.

(2) STATE ENERGY OFFICES.—Funds provided to a State under this section shall be provided to the office within the State that is responsible for developing the State energy plan for the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(3) MAINTENANCE OF FUNDING.—It is the intent of Congress that funding provided to States under this section shall supplement (and not supplant) funding provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SA 3257. Ms. CANTWELL (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 42___. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

(a) FINDINGS.—The Senate finds that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will meet critical competitiveness, energy security, and environmental goals;

(2) many of the greatest advancements in the science of energy production have taken place in the United States, where key Federal investment, public private partnerships,

and a robust, diverse energy industry have helped to power and fuel the United States economy;

(3) the United States is home to the most advanced energy research institutions in the world, and those institutions attract the brightest and most talented individuals to study and develop energy solutions to meet the energy needs of the United States and the world;

(4) early-stage involvement of the private sector is critical to ensuring commercialization and cost-effectiveness of energy breakthroughs;

(5) the Secretary is working with international and domestic partners and institutions, including units of government, private investors, and technology innovators—

(A) to make data available;

(B) to aggregate technology expertise, if possible;

(C) to share facilities and analysis;

(D) to promote development, commercialization, and dissemination of clean energy technologies; and

(E) to dramatically increase the range of technology options for private sector investment and commercialization;

(6) the Secretary is working closely with other committed nations and the private sector to increase access to investment for earlier-stage clean energy companies that emerge from government research and development programs;

(7) the Secretary is building and improving technology innovation roadmaps and other tools—

(A) to help innovation efforts;

(B) to understand where research and development is already happening; and

(C) to identify gaps and opportunities for new kinds of innovation;

(8) 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)); and

(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;

(9) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region; and

(10) 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.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the Secretary should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(1) provide clean, affordable, and reliable energy for everyone;

(2) promote economic growth; and

(3) are critical for energy security.

SA 3258. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 14, strike ''life-cycle''.

On page 25, strike line 11 and insert the following:

''(4) PAYBACK.—Any proposal submitted by the Secretary under paragraph (3) shall have a simple payback (the time in years that is required for energy savings to exceed the incremental first cost of a new requirement) of 10 years or less.

''(5) ANALYSIS METHODOLOGY.—The Secretary

SA 3259. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 14, strike ''life-cycle''.

On page 25, strike line 11 and insert the following:

''(4) PAYBACK.—Any proposal submitted by the Secretary under paragraph (3) shall have a simple payback (the time in years that is required for energy savings to exceed the incremental first cost of a new requirement) of 10 years or less.

''(5) ANALYSIS METHODOLOGY.—The Secretary

SA 3260. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23____. INTERSTATE TRANSMISSION DETERMINATION REQUIRED WITH RESPECT TO 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) INTERSTATE TRANSMISSION REQUIREMENT.—The Secretary shall not carry out a Project under subsection (a) or (b) unless the Secretary has issued a determination that the laws of the applicable State do not allow for interstate transmission projects.''.

SA 3261. Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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 180 days after the date of submission of a report required under subsection (h).''.

SA 3262. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

PART II—ENERGY INNOVATION AND PRODUCTION

SEC. 3111. SHORT TITLE.

This part may be cited as the ''American Energy Innovation and Production Act''.

SEC. 3112. ENERGY SECURITY TRUST FUND.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established in the Treasury of the United States a trust fund, to be known as the ''Energy Security Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are transferred to the Fund pursuant to subsection (b), to be administered by the Secretary in accordance with this section.

(b) FUNDING.—

(1) TRANSFERS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraph (2), the Secretary of the Treasury shall transfer to the Fund for each fiscal year an amount equal to 50 percent of the revenues received during the preceding fiscal year in the form of bonus bids, lease rental receipts, and production royalties from oil and gas development or production in any other Federal territory or area that becomes available for oil or gas leasing after the date of enactment of this Act.

(B) AVAILABILITY.—The amounts in the Fund—

(i) shall be available without fiscal year limitation; and

(ii) shall not be subject to appropriation.

(2) MAXIMUM ANNUAL AMOUNT.—The total amount transferred to the Fund pursuant to paragraph (1) for any 1 fiscal year shall not exceed $500,000,000.

(3) USE OF EXCESS REVENUES.—Any revenues described in paragraph (1)(A) that are received for a fiscal year in excess of the maximum annual amount referred to in paragraph (2) shall be used to reduce the debt of the Federal Government.

(4) LACK OF SUFFICIENT REVENUES.—If, during an applicable fiscal year, the development or production activities described in paragraph (1)(A) are obstructed for any reason, and no amounts are generated from activities described in paragraph (1)(A), no amounts shall be transferred to the Fund pursuant to this subsection for the following fiscal year.

(c) USE.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to make grants in accordance with this section to pay the Federal share of the cost of conducting research on precommercial sciences and technologies with the near- and medium-term potential for reducing petroleum use and increasing fuel diversity in the transportation sector.

(2) REQUIREMENT.—Amounts in the Fund shall be used only for research and development activities focused on transportation-related technologies and fuels.

(3) ADVISORY BOARD.—

(A) IN GENERAL.—The Secretary shall establish an advisory board, to be composed of representatives from the private sector and

relevant sectors of academia, to evaluate the technologies to be eligible for funding under this section.

(B) ANNUAL REVIEWS.—The advisory board established under subparagraph (A) shall, not less frequently than once each year—

(i) review relevant technologies to determine whether the technologies should be eligible to receive funding under this section; and

(ii) submit to the Secretary recommendations regarding the allocation of finding for each technology determined to be eligible under clause (i).

(d) ALLOCATION.—

(1) IN GENERAL.—For each applicable fiscal year, of the amounts in the Fund, the Secretary shall allocate—

(A) 50 percent to make grants to national laboratories that are federally funded research and development centers or institutions of higher education to enhance the ability of the national laboratories to create opportunities for relevant public-private research partnerships;

(B) 15 percent to the Secretary of Defense to fund research and development programs of the Department of Defense that are focused on reducing transportation-related oil consumption; and

(C) 35 percent to make grants to eligible entities, as determined by the Secretary, to enhance existing research programs and establish new fields of research relevant to the eligible technologies described in subsection (c)(3)(B).

(2) LIMITATIONS.—

(A) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed $25,000,000.

(B) PER PROJECT.—Not more than 1 grant shall be provided for a single project under this section.

(e) USE OF GRANTS.—

(1) IN GENERAL.—A national laboratory or other eligible entity described in subparagraph (A) or (C) of subsection (d)(1) may use a grant provided under this section to carry out activities relating to—

(A) research or development regarding vehicles and fuels that has a demonstrable market application, such as advanced-technology vehicle components and associated infrastructure, including—

(i) storage tanks for compressed natural gas vehicles;

(ii) onboard energy storage for electric and plug-in hybrid electric vehicles;

(iii) hydrogen fuel cells;

(iv) advanced liquid fuels;

(v) increased fuel efficiency in combustion engines; and

(vi) advancements to alternative fuel storage and dispensing;

(B) field or market research and development of the comprehensive systems required to support new vehicles and fuels that differ significantly from conventional vehicles, which shall—

(i) focus on determining best practices in comprehensive vehicle and infrastructure deployments;

(ii) have a strong experimental design to ensure that different deployment activities can be tested using quantitative metrics for various fuels; and

(iii) be structured and used to provide valuable lessons and best practices for use throughout the United States to ensure smooth, widespread deployment of alternative fuel vehicles; or

(C) increased public-private research and development collaboration and more-rapid technology transfer from the Federal Government to the private sector, with a focus on removing unnecessary obstacles in bringing to the private sector oil-reduction technologies with commercial applications that are developed by the national laboratories or eligible entities.

(2) LIMITATIONS.—A grant provided under this section may not be—

(A) sold;

(B) transferred; or

(C) used to repay a Federal loan.

(3) NATIONAL LABORATORIES.—A national laboratory that receives a grant under this section—

(A) shall be encouraged to enter into cooperative research and development agreements and other mechanisms to facilitate public-private partnerships in accordance with this section; and

(B) may serve as a program or funding manager for any such partnership.

(f) Cost Sharing and Review.—Amounts disbursed from the Fund under this section shall be subject to the cost sharing and merit review requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), including the requirement under subsection (c)(1) of that section that not less than 50 percent of the cost of a project or activity carried out using the amounts shall be provided by a non-Federal source.

(g) REPORTS.—

(1) SECRETARY.—The Secretary shall prepare and submit to Congress—

(A) not less frequently than once each year, a report that describes, with respect to the preceding fiscal year—

(i) the amounts deposited in the Fund;

(ii) expenditures from the Fund; and

(iii) the means in which grants from the Fund were used by recipients, including a description of each project funded using such a grant; and

(B) not less frequently than once every 5 years, a report that describes, with respect to the preceding 5–year period—

(i) any breakthroughs that occurred as a result of grants from the Fund; and

(ii) the quantity of technology transfer that took place as a result of activities funded by the Fund.

(2) GAO.—Not less frequently than once every 5 years, the Comptroller General of the United States shall submit to Congress a report that describes the results of the projects that received grants from the Fund during the preceding 5–year period, including an assessment of progress resulting from those projects with respect to developing and bringing to market oil-saving technologies.

SA 3263. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1)(B), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(B); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL SRF CAPITALIZATION GRANTS.—

(A) RESCISSION.—There is rescinded the unobligated balance of amounts made available

to carry out the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

(B) AVAILABILITY OF RESCINDED FUNDS.—Of the amounts rescinded under subparagraph (A), $200,000,000 shall be made available to the Administrator to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(C) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (B) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(D) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (B) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(E) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (C).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—For fiscal year 2016, out of amounts rescinded under paragraph (1)(A), the Secretary of the Treasury shall make available to the Administrator $60,000,000, to remain available until expended, to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—A credit subsidy provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well

as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

SA 3264. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 220__. MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term ''average national price of gasoline'' means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term ''gasoline index price'' means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been 50 percent greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 10 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

SA 3265. Mr. VITTER (for himself, Mr. KAINE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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, such as a program of a community college located in a coastal area or in a shale play area of the United States; or

(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, or Great Lakes.

SA 3266. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 3267. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. ESTABLISHMENT OF CENTER FOR RECURRENT FLOODING.

(a) PURPOSE.—The purpose of this section is to encourage intergovernmental cooperation among State, local, and regional units

of government, institutions of higher education in the Commonwealth of Virginia (referred to in this section as the ''Commonwealth''), and the Federal Government, in addressing recurrent flooding and sea level rise in the Hampton Roads region of the Commonwealth, through the Commonwealth Center for Recurrent Flooding (referred to in this section as the ''Center'').

(b) MEMBERSHIP.—The Center shall be composed of representatives of—

(1) the counties and cities composing the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area;

(2) Accomack County, Virginia;

(3) Northampton County, Virginia;

(4) public institutions of higher education in the Commonwealth;

(5) other participants in the missions and activities described in the Hampton Roads Sea Level Rise Preparedness and Resilience Intergovernmental Planning Pilot Project Charter, dated October 10, 2014; and

(6) the Federal partner agencies described in subsection (c).

(c) FEDERAL PARTNER AGENCIES.—The Federal partner agencies referred to in subsection (b)(6) are—

(1) the Department;

(2) the Department of Defense;

(3) the Department of Housing and Urban Development;

(4) the Department of the Interior;

(5) the Department of Transportation;

(6) the Environmental Protection Agency;

(7) the Federal Emergency Management Agency;

(8) the National Oceanic and Atmospheric Administration; and

(9) the National Aeronautics and Space Administration.

(d) FEDERAL PARTICIPATION.—The Federal partner agencies shall participate in the activities of the Center by—

(1) consulting on policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in Hampton Roads, Virginia; and

(2) making available to the Center, as appropriate, physical, biological, and socioeconomic data sources that facilitate informed decision-making on the activities described in paragraph (1).

(e) EFFECT.—Nothing in this section shall require additional spending by any Federal partner agency.

SA 3268. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike lines 5 through 7 and insert the following:

105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''50'' and inserting ''25''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''75'';

(ii) in subparagraph (A)—

(I) by striking ''75'' and inserting ''50''; and

(II) by striking ''and'' after the semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) 25 percent to provide financial assistance to States in accordance with section 906(b) of the National Oceans and Coastal Security Act (Public Law 114–113), which shall be considered income to the National Oceans and Coastal Security Fund for purposes of section 904 of that Act.''; and

(2) in subsection (f), by striking paragraph (1) and inserting the following:

SA 3269. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 385, strike line 11 and all that follows through page 389, line 18, and insert the following: provide notice of a plan to collect information identifying all oil inventories, and other physical oil assets (including all petroleum-based products and the storage of such products in off-shore tankers), that are owned by the 50 largest traders of oil contracts (including derivative contracts); and

''(B) not later than 90 days after the date on which notice is provided under subparagraph (A), implement the plan described in that subparagraph.

''(2) INFORMATION.—The plan required under paragraph (1) shall include a description of the plan of the Administrator for collecting company-specific data, including—

''(A) volumes of product under ownership; and

''(B) storage and transportation capacity (including owned and leased capacity).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(o) COLLECTION OF INFORMATION ON STORAGE CAPACITY FOR OIL AND NATURAL GAS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Energy Information Administration shall collect information quantifying the commercial storage capacity for oil and natural gas in the United States.

''(2) UPDATES.—The Administrator shall update annually the information required under paragraph (1).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(p) FINANCIAL MARKET ANALYSIS OFFICE.—

''(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office.

''(2) DUTIES.—The Office shall—

''(A) be responsible for analysis of the financial aspects of energy markets;

''(B) review the reports required by section 4503(c) of the Energy Policy Modernization Act of 2016 in advance of the submission of the reports to Congress; and

''(C) not later than 1 year after the date of enactment of this subsection—

''(i) make recommendations to the Administrator of the Energy Information Administration that identify and quantify any additional resources that are required to improve the ability of the Energy Information Administration to more fully integrate financial market information into the analyses and forecasts of the Energy Information Administration;

''(ii) conduct a review of implications of policy changes (including changes in export or import policies) and changes in how crude oil and refined petroleum products are transported with respect to price formation of crude oil and refined petroleum products; and

''(iii) notify the Committee on Energy and Natural Resources, the Committee on Appropriations, and the Committee on Agriculture of the Senate and the Committee on Energy and Commerce, the Committee on Appropriations, and the Committee on Agriculture of the House of Representatives of the recommendations described in clause (i).

''(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.''.

(b) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting ''(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)'' after ''Natural Gas Policy Act of 1978''.

SEC. 4502. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets (referred to in this section as the ''Working Group'').

(b) COMPOSITION.—The Working Group shall be composed of—

(1) the Secretary;

(2) the Secretary of the Treasury;

(3) the Chairman of the Federal Energy Regulatory Commission;

(4) the Chairman of Federal Trade Commission;

(5) the Chairman of the Securities and Exchange Commission; and

(6) the Administrator of the Energy Information Administration.

SA 3270. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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).''.

SA 3271. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3044 submitted by Mr. MANCHIN and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 8 of the amendment, strike line 9 and all that follows through the end of the amendment and insert the following:

''(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).''.

SA 3272. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017.

SA 3273. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3009.

SA 3274. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2303.

SA 3275. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1004.

SA 3276. Ms. CANTWELL submitted an amendment intended to be proposed

to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 3277. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1004.
Strike section 2303.
Strike section 3009.
Strike section 3017.

SA 3278. Mr. MCCONNELL (for Mr. RUBIO (for himself and Mr. CARDIN)) proposed an amendment to the bill H.R. 907, to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Jordan Defense Cooperation Act of 2015''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As of January 22, 2015, the United States Government has provided $3,046,343,000 in assistance to respond to the Syria humanitarian crisis, of which nearly $467,000,000 has been provided to the Hashemite Kingdom of Jordan.

(2) As of January 2015, according to the United Nations High Commissioner for Refugees, there were 621,937 registered Syrian refugees in Jordan and 83.8 percent of whom lived outside refugee camps.

(3) In 2000, the United States and Jordan signed a free-trade agreement that went into force in 2001.

(4) In 1996, the United States granted Jordan major non-NATO ally status.

(5) Jordan is suffering from the Syrian refugee crisis and the threat of the Islamic State of Iraq and the Levant (ISIL).

(6) The Government of Jordan was elected as a non-permanent member of the United Nations Security Council for a 2-year term ending in December 2015.

(7) Enhanced support for defense cooperation with Jordan is important to the national security of the United States, including through creation of a status in law for Jordan similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, the Republic of Korea, Israel, and New Zealand, with respect to consideration by Congress of foreign military sales to Jordan.

(8) The Colorado National Guard's relationship with the Jordanian military provides a significant benefit to both the United States and Jordan.

(9) Jordanian pilot Moaz al-Kasasbeh was brutally murdered by ISIL.

(10) On February 3, 2015, Secretary of State John Kerry and Jordanian Foreign Minister Nasser Judeh signed a new Memorandum of Understanding that reflects the intention to increase United States assistance to the Government of Jordan from $660,000,000 to $1,000,000,000 for each of the years 2015 through 2017.

(11) On December 5, 2014, in an interview on CBS This Morning, Jordanian King Abdullah II stated—

(A) in reference to ISIL, ''This is a Muslim problem. We need to take ownership of this. We need to stand up and say what is wrong''; and

(B) ''This is our war. This is a war inside Islam. So we have to own up to it. We have to take the lead. We have to start fighting back.''.

SEC. 3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to support the Hashemite Kingdom of Jordan in its response to the Syrian refugee crisis;

(2) to provide necessary assistance to alleviate the domestic burden to provide basic needs for the assimilated Syrian refugees;

(3) to cooperate with Jordan to combat the terrorist threat from the Islamic State of Iraq and the Levant (ISIL) or other terrorist organizations; and

(4) to help secure the border between Jordan and its neighbors Syria and Iraq.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Hashemite Kingdom of Jordan under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security;

(2) Congress welcomes the statement of King Abdullah II quoted in section (2)(11); and

(3) it is in the interest of peace and stability for regional members of the Global Coalition to Combat ISIL to continue their commitment to, and increase their involvement in, addressing the threat posed by ISIL.

SEC. 5. ENHANCED DEFENSE COOPERATION.

(a) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Hashemite Kingdom of Jordan shall be treated as if it were a country listed in the provisions of law described in subsection (b) for purposes of applying and administering such provisions of law.

(b) ARMS EXPORT CONTROL ACT.—The provisions of law described in this subsection are—

(1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i), and (d)(5) of section 3 of the Arms Export Control Act (22 U.S.C. 2753);

(2) subsections (e)(2)(A), (h)(1)(A), and (h)(2) of section 21 of such Act (22 U.S.C. 2761);

(3) subsections (b)(1), (b)(2), (b)(6), (c), and (d)(2)(A) of section 36 of such Act (22 U.S.C. 2776);

(4) section 62(c)(1) of such Act (22 U.S.C. 2796a(c)(1)); and

(5) section 63(a)(2) of such Act (22 U.S.C. 2796b(a)(2)).

SEC. 6. MEMORANDUM OF UNDERSTANDING.

Subject to the availability of appropriations, the Secretary of State is authorized to enter into a memorandum of understanding with the Hashemite Kingdom of Jordan to increase economic support funds, military cooperation, including joint military exercises, personnel exchanges, support for international peacekeeping missions, and enhanced strategic dialogue.

SA 3279. Ms. MURKOWSKI (for Mr. LEE (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3033, to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia; as follows:

Strike section 4 of the bill and insert the following:

SEC. 4. DYSLEXIA.

(a) IN GENERAL.—Consistent with subsection (c), the National Science Foundation shall support multi-directorate, merit-reviewed, and competitively awarded research on the science of specific learning disability, including dyslexia, such as research on the early identification of children and students with dyslexia, professional development for teachers and administrators of students with dyslexia, curricula and educational tools needed for children with dyslexia, and implementation and scaling of successful models of dyslexia intervention. Research supported under this subsection shall be conducted with the goal of practical application.

(b) AWARDS.—To promote development of early career researchers, in awarding funds under subsection (a) the National Science Foundation shall prioritize applications for funding submitted by early career researchers.

(c) COORDINATION.—To prevent unnecessary duplication of research, activities under this Act shall be coordinated with similar activities supported by other Federal agencies, including research funded by the Institute of Education Sciences and the National Institutes of Health.

(d) FUNDING.—The National Science Foundation shall devote not less than $5,000,000 to research described in subsection (a), which shall include not less than $2,500,000 for research on the science of dyslexia, for each of fiscal years 2017 through 2021, subject to the availability of appropriations, to come from amounts made available for the Research and Related Activities account or the Education and Human Resources Directorate under subsection (e). This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

(e) AUTHORIZATION.—For each of fiscal years 2016 through 2021, there are authorized out of funds appropriated to the National Science Foundation, $5,000,000 to carry out the activities described in subsection (a).

SEC. 5. DEFINITION OF SPECIFIC LEARNING DISABILITY.

In this Act, the term ''specific learning disability''—

(1) means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations;

(2) includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and

(3) does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 3, 2016, at 9:30 a.m.