

In the Senate of the United States,

May 12, 2016.

Resolved, That the bill from the House of Representatives (H.R. 2028) entitled “An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for en-*
- 3 *ergy and water development and related agencies for the*
- 4 *fiscal year ending September 30, 2017, and for other pur-*
- 5 *poses, namely:*

1 **TITLE I**2 **CORPS OF ENGINEERS—CIVIL**3 **DEPARTMENT OF THE ARMY**4 **CORPS OF ENGINEERS—CIVIL**

5 *The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to river
9 and harbor, flood and storm damage reduction, shore pro-
10 tection, aquatic ecosystem restoration, and related efforts.*

11 **INVESTIGATIONS**

12 *For expenses necessary where authorized by law for the
13 collection and study of basic information pertaining to
14 river and harbor, flood and storm damage reduction, shore
15 protection, aquatic ecosystem restoration, and related needs;
16 for surveys and detailed studies, design work, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic eco-
19 system restoration projects, and related efforts prior to con-
20 struction; for restudy of authorized projects, and related ef-
21 forts; and for miscellaneous investigations, and, when au-
22 thorized by law, surveys and detailed studies, and plans
23 and specifications of projects prior to construction,
24 \$126,522,000, to remain available until expended.*

1 CONSTRUCTION

2 *For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, shore pro-
4 tection, and aquatic ecosystem restoration projects, and re-
5 lated projects authorized by law; for conducting detailed
6 studies, design work, and plans and specifications, of such
7 projects (including those involving participation by States,
8 local governments, or private groups) authorized or made
9 eligible for selection by law (but such detailed studies, and
10 plans and specifications, shall not constitute a commitment
11 of the Government to construction); \$1,813,649,000, to re-
12 main available until expended; of which such sums as are
13 necessary to cover the Federal share of construction costs
14 for facilities under the Dredged Material Disposal Facilities
15 program shall be derived from the Harbor Maintenance
16 Trust Fund as authorized by Public Law 104–303; and of
17 which such sums as are necessary to cover one-half of the
18 costs of construction, replacement, rehabilitation, and ex-
19 pansion of inland waterways projects shall be derived from
20 the Inland Waterways Trust Fund, except as otherwise spe-
21 cifically provided for in law: Provided, That funds made
22 available under this heading for shore protection may be
23 prioritized for projects in areas that have suffered severe
24 beach erosion requiring additional sand placement outside*

1 *of the normal beach renourishment cycle or in which the*
2 *normal beach renourishment cycle has been delayed.*

3 **MISSISSIPPI RIVER AND TRIBUTARIES**

4 *For expenses necessary for flood damage reduction*
5 *projects and related efforts in the Mississippi River alluvial*
6 *valley below Cape Girardeau, Missouri, as authorized by*
7 *law, \$368,000,000, to remain available until expended, of*
8 *which such sums as are necessary to cover the Federal share*
9 *of eligible operation and maintenance costs for inland har-*
10 *bors shall be derived from the Harbor Maintenance Trust*
11 *Fund.*

12 **OPERATION AND MAINTENANCE**

13 *For expenses necessary for the operation, maintenance,*
14 *and care of existing river and harbor, flood and storm dam-*
15 *age reduction, and aquatic ecosystem restoration projects,*
16 *and related projects authorized by law; providing security*
17 *for infrastructure owned or operated by the Corps, includ-*
18 *ing administrative buildings and laboratories; maintaining*
19 *harbor channels provided by a State, municipality, or other*
20 *public agency that serve essential navigation needs of gen-*
21 *eral commerce, where authorized by law; surveying and*
22 *charting northern and northwestern lakes and connecting*
23 *waters; clearing and straightening channels; and removing*
24 *obstructions to navigation, \$3,173,829,000, to remain avail-*
25 *able until expended, of which such sums as are necessary*

1 *to cover the Federal share of eligible operation and mainte-*
2 *nance costs for coastal harbors and channels, and for inland*
3 *harbors shall be derived from the Harbor Maintenance*
4 *Trust Fund; of which such sums as become available from*
5 *the special account for the Army Corps of Engineers estab-*
6 *lished by the Land and Water Conservation Fund Act of*
7 *1965 shall be derived from that account for resource protec-*
8 *tion, research, interpretation, and maintenance activities*
9 *related to resource protection in the areas managed by the*
10 *Army Corps of Engineers at which outdoor recreation is*
11 *available; and of which such sums as become available from*
12 *fees collected under section 217 of Public Law 104–303 shall*
13 *be used to cover the cost of operation and maintenance of*
14 *the dredged material disposal facilities for which such fees*
15 *have been collected: Provided, That 1 percent of the total*
16 *amount of funds provided for each of the programs, projects,*
17 *or activities funded under this heading shall not be allo-*
18 *cated to a field operating activity prior to the beginning*
19 *of the fourth quarter of the fiscal year and shall be available*
20 *for use by the Chief of Engineers to fund such emergency*
21 *activities as the Chief of Engineers determines to be nec-*
22 *essary and appropriate, and that the Chief of Engineers*
23 *shall allocate during the fourth quarter any remaining*
24 *funds which have not been used for emergency activities*
25 *proportionally in accordance with the amounts provided for*

1 *the programs, projects, or activities: Provided further, That*
2 *of the funds provided herein, for any Corps of Engineers*
3 *project located in a State in which a Bureau of Reclama-*
4 *tion project is also located, any non-Federal project regu-*
5 *lated for flood control by the Secretary of the Army located*
6 *in a State in which a Bureau of Reclamation project is*
7 *also located, or any Bureau of Reclamation facilities regu-*
8 *lated for flood control by the Secretary of the Army, the*
9 *Secretary of the Army shall fund all or a portion of the*
10 *costs to review or revise operational documents, including*
11 *water control plans, water control manuals, water control*
12 *diagrams, release schedules, rule curves, operational agree-*
13 *ments with non-Federal entities, and any associated envi-*
14 *ronmental documentation.*

15 ***REGULATORY PROGRAM***

16 *For expenses necessary for administration of laws per-*
17 *taining to regulation of navigable waters and wetlands,*
18 *\$200,000,000, to remain available until September 30,*
19 *2018.*

20 ***FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM***

21 *For expenses necessary to clean up contamination*
22 *from sites in the United States resulting from work per-*
23 *formed as part of the Nation's early atomic energy pro-*
24 *gram, \$103,000,000, to remain available until expended.*

1 *FLOOD CONTROL AND COASTAL EMERGENCIES*

2 *For expenses necessary to prepare for flood, hurricane,*
3 *and other natural disasters and support emergency oper-*
4 *ations, repairs, and other activities in response to such dis-*
5 *asters as authorized by law, \$30,000,000, to remain avail-*
6 *able until expended.*

7 *EXPENSES*

8 *For expenses necessary for the supervision and general*
9 *administration of the civil works program in the Army*
10 *Corps of Engineers headquarters and the division offices;*
11 *and for costs allocable to the civil works program of man-*
12 *agement and operation of the Humphreys Engineer Center*
13 *Support Activity, the Institute for Water Resources, the*
14 *United States Army Engineer Research and Development*
15 *Center, and the United States Army Corps of Engineers Fi-*
16 *nance Center, \$180,000,000, to remain available until Sep-*
17 *tember 30, 2018, of which not more than \$5,000 may be*
18 *used for official reception and representation purposes and*
19 *only during the current fiscal year: Provided, That no part*
20 *of any other appropriation provided in this title shall be*
21 *available to fund such activities in the Army Corps of Engi-*
22 *neers headquarters and division offices: Provided further,*
23 *That any Flood Control and Coastal Emergencies appro-*
24 *priation may be used to fund the supervision and general*
25 *administration of emergency operations, repairs, and other*

1 activities in response to any flood, hurricane, or other nat-
2 ural disaster.

3 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR

4 CIVIL WORKS

5 For the Office of the Assistant Secretary of the Army
6 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
7 \$5,000,000, to remain available until September 30, 2018.

8 GENERAL PROVISIONS—CORPS OF ENGINEERS—

9 CIVIL

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 101. (a) None of the funds provided in title I
12 of this Act, or provided by previous appropriations Acts
13 to the agencies or entities funded in title I of this Act that
14 remain available for obligation or expenditure in fiscal year
15 2017, shall be available for obligation or expenditure
16 through a reprogramming of funds that:

17 (1) creates or initiates a new program, project,
18 or activity;

19 (2) eliminates a program, project, or activity;

20 (3) increases funds or personnel for any pro-
21 gram, project, or activity for which funds have been
22 denied or restricted by this Act, unless prior approval
23 is received from the House and Senate Committees on
24 Appropriations;

1 (4) proposes to use funds directed for a specific
2 activity for a different purpose, unless prior approval
3 is received from the House and Senate Committees on
4 Appropriations;

5 (5) augments or reduces existing programs,
6 projects, or activities in excess of the amounts con-
7 tained in paragraphs (6) through (10), unless prior
8 approval is received from the House and Senate Com-
9 mittees on Appropriations;

10 (6) INVESTIGATIONS.—For a base level over
11 \$100,000, reprogramming of 25 percent of the base
12 amount up to a limit of \$150,000 per project, study
13 or activity is allowed: Provided, That for a base level
14 less than \$100,000, the reprogramming limit is
15 \$25,000: Provided further, That up to \$25,000 may be
16 reprogrammed into any continuing study or activity
17 that did not receive an appropriation for existing ob-
18 ligations and concomitant administrative expenses;

19 (7) CONSTRUCTION.—For a base level over
20 \$2,000,000, reprogramming of 15 percent of the base
21 amount up to a limit of \$3,000,000 per project, study
22 or activity is allowed: Provided, That for a base level
23 less than \$2,000,000, the reprogramming limit is
24 \$300,000: Provided further, That up to \$3,000,000
25 may be reprogrammed for settled contractor claims,

1 *changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be*
2 *reprogrammed into any continuing study or activity*
3 *that did not receive an appropriation for existing ob-*
4 *ligations and concomitant administrative expenses;*

5
6 *(8) OPERATION AND MAINTENANCE.—Unlimited*
7 *reprogramming authority is granted for the Corps to*
8 *be able to respond to emergencies: Provided, That the*
9 *Chief of Engineers shall notify the House and Senate*
10 *Committees on Appropriations of these emergency ac-*
11 *tions as soon thereafter as practicable: Provided fur-*
12 *ther, That for a base level over \$1,000,000, re-*
13 *programming of 15 percent of the base amount up to*
14 *a limit of \$5,000,000 per project, study, or activity*
15 *is allowed: Provided further, That for a base level less*
16 *than \$1,000,000, the reprogramming limit is*
17 *\$150,000: Provided further, That \$150,000 may be re-*
18 *programmed into any continuing study or activity*
19 *that did not receive an appropriation;*

20 *(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The*
21 *reprogramming guidelines in paragraphs (6), (7),*
22 *and (8) shall apply to the Investigations, Construc-*
23 *tion, and Operation and Maintenance portions of the*
24 *Mississippi River and Tributaries Account, respec-*
25 *tively; and*

1 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*
2 *TION PROGRAM.*—Reprogramming of up to 15 percent
3 *of the base of the receiving project is permitted.*

4 (b) *DE MINIMUS REPROGRAMMINGS.*—In no case
5 should a reprogramming for less than \$50,000 be submitted
6 to the House and Senate Committees on Appropriations.

7 (c) *CONTINUING AUTHORITIES PROGRAM.*—Subsection
8 (a)(1) shall not apply to any project or activity funded
9 under the continuing authorities program.

10 (d) Not later than 60 days after the date of enactment
11 of this Act, the Secretary shall submit a report to the House
12 and Senate Committees on Appropriations to establish the
13 baseline for application of reprogramming and transfer au-
14 thorities for the current fiscal year which shall include:

15 (1) A table for each appropriation with a sepa-
16 rate column to display the President's budget request,
17 adjustments made by Congress, adjustments due to
18 enacted rescissions, if applicable, and the fiscal year
19 enacted level; and

20 (2) A delineation in the table for each appro-
21 priation both by object class and program, project
22 and activity as detailed in the budget appendix for
23 the respective appropriations; and

24 (3) An identification of items of special congres-
25 sional interest.

1 (e) *The Secretary shall allocate funds made available
2 in this Act solely in accordance with the provisions of this
3 Act and the report of the Committee on Appropriations ac-
4 companying this Act, including the determination and des-
5 ignation of new starts.*

6 (f) *None of the funds made available in this title may
7 be used to award or modify any contract that commits
8 funds beyond the amounts appropriated for that program,
9 project, or activity that remain unobligated, except that
10 such amounts may include any funds that have been made
11 available through reprogramming pursuant to section 101.*

12 SEC. 102. *The Secretary of the Army may transfer to
13 the Fish and Wildlife Service, and the Fish and Wildlife
14 Service may accept and expend, up to \$5,400,000 of funds
15 provided in this title under the heading “Operation and
16 Maintenance” to mitigate for fisheries lost due to Corps of
17 Engineers civil works projects.*

18 SEC. 103. *None of the funds made available in this
19 or any other Act making appropriations for Energy and
20 Water Development for any fiscal year may be used by the
21 Corps of Engineers during the fiscal year ending September
22 30, 2017, to develop, adopt, implement, administer, or en-
23 force any change to the regulations in effect on October 1,
24 2012, pertaining to the definitions of the terms “fill mate-
25 rial” or “discharge of fill material” for the purposes of the*

1 *Federal Water Pollution Control Act (33 U.S.C. 1251 et
2 seq.).*

3 *SEC. 104. None of the funds provided in this act may
4 be used for open lake disposal of dredged sediment in Lake
5 Erie unless such disposal meets water and environmental
6 standards agreed to by the administrator of a State's water
7 permitting agency and is consistent with a State's Coastal
8 Zone Management Plan. If this standard is not met, the
9 Corps of Engineers will maintain its long-standing funding
10 obligations for upland placement of dredged material with
11 cost sharing as specified in section 101 of the Water Re-
12 sources Development Act of 1986, Public Law 99-662, as
13 amended by section 201 of the Water Resources Develop-
14 ment Act of 1996, Public Law 104-303 (33 U.S.C. 2211)
15 and section 217(d) of the Water Resources Development Act
16 of 1996, Public Law 104-303, as amended by section 2005
17 of the Water Resources Development Act of 2007, Public
18 Law 110-300 (33 U.S.C. 2326a(d)).*

19 *SEC. 105. None of the funds made available by this
20 title may be used for any acquisition that is not consistent
21 with section 225.7007 of title 48, Code of Federal Regula-
22 tions.*

23 *SEC. 106. Of the amounts made available under this
24 title for operation and maintenance, \$2,000,000 shall be
25 available for Upper Missouri River Basin flood and drought*

1 monitoring under section 4003(a) of the Water Resources
2 Reform and Development Act of 2014 (Public Law 113–
3 121; 128 Stat. 1310).

4 SEC. 107. Section 2006 of the Water Resources Develop-
5 opment Act of 2007 (33 U.S.C. 2242) is amended—

6 (1) in subsection (a)(3), by inserting “in which
7 the project is located or of a community that is lo-
8 cated in the region that is served by the project and
9 that will rely on the project” after “community”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1), by inserting “or of a
12 community that is located in the region to be
13 served by the project and that will rely on the
14 project” after “community”;

15 (B) in paragraph (4), by striking “local
16 population” and inserting “regional population
17 to be served by the project”; and

18 (C) in paragraph (5), by striking “commu-
19 nity” and inserting “local community or to a
20 community that is located in the region to be
21 served by the project and that will rely on the
22 project”.

1 **TITLE II**2 **DEPARTMENT OF THE INTERIOR**3 **CENTRAL UTAH PROJECT**4 **CENTRAL UTAH PROJECT COMPLETION ACCOUNT**

5 *For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$10,000,000, to remain avail-
7 able until expended, of which \$1,300,000 shall be deposited
8 into the Utah Reclamation Mitigation and Conservation
9 Account for use by the Utah Reclamation Mitigation and
10 Conservation Commission: Provided, That of the amount
11 provided under this heading, \$1,350,000 shall be available
12 until September 30, 2018, for expenses necessary in car-
13 rying out related responsibilities of the Secretary of the In-
14 terior: Provided further, That for fiscal year 2017, of the
15 amount made available to the Commission under this Act
16 or any other Act, the Commission may use an amount not
17 to exceed \$1,500,000 for administrative expenses.*

18 **BUREAU OF RECLAMATION**

19 *The following appropriations shall be expended to exe-
20 cute authorized functions of the Bureau of Reclamation:*

21 **WATER AND RELATED RESOURCES**22 **(INCLUDING TRANSFERS OF FUNDS)**

23 *For management, development, and restoration of
24 water and related natural resources and for related activi-
25 ties, including the operation, maintenance, and rehabilita-*

1 *tion of reclamation and other facilities, participation in*
2 *fulfilling related Federal responsibilities to Native Ameri-*
3 *cans, and related grants to, and cooperative and other*
4 *agreements with, State and local governments, federally rec-*
5 *ognized Indian tribes, and others, \$1,114,394,000, to re-*
6 *main available until expended, of which \$158,841,000 shall*
7 *be available for additional funding for work and are au-*
8 *thorized to be used consistent with activities described in*
9 *the Commissioner's transmittal to Congress dated February*
10 *8, 2016; \$22,000 shall be available for transfer to the Upper*
11 *Colorado River Basin Fund and \$5,551,000 shall be avail-*
12 *able for transfer to the Lower Colorado River Basin Devel-*
13 *opment Fund; of which such amounts as may be necessary*
14 *may be advanced to the Colorado River Dam Fund: Pro-*
15 *vided, That such transfers may be increased or decreased*
16 *within the overall appropriation under this heading: Pro-*
17 *vided further, That of the total appropriated, the amount*
18 *for program activities that can be financed by the Reclama-*
19 *tion Fund or the Bureau of Reclamation special fee account*
20 *established by 16 U.S.C. 6806 shall be derived from that*
21 *Fund or account: Provided further, That funds contributed*
22 *under 43 U.S.C. 395 are available until expended for the*
23 *purposes for which the funds were contributed: Provided*
24 *further, That funds advanced under 43 U.S.C. 397a shall*
25 *be credited to this account and are available until expended*

1 *for the same purposes as the sums appropriated under this*
2 *heading: Provided further, That of the amounts provided*
3 *herein, funds may be used for high-priority projects which*
4 *shall be carried out by the Youth Conservation Corps, as*
5 *authorized by 16 U.S.C. 1706.*

6 **CENTRAL VALLEY PROJECT RESTORATION FUND**

7 *For carrying out the programs, projects, plans, habitat*
8 *restoration, improvement, and acquisition provisions of the*
9 *Central Valley Project Improvement Act, \$55,606,000, to be*
10 *derived from such sums as may be collected in the Central*
11 *Valley Project Restoration Fund pursuant to sections*
12 *3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,*
13 *to remain available until expended: Provided, That the Bu-*
14 *reau of Reclamation is directed to assess and collect the full*
15 *amount of the additional mitigation and restoration pay-*
16 *ments authorized by section 3407(d) of Public Law 102–*
17 *575: Provided further, That none of the funds made avail-*
18 *able under this heading may be used for the acquisition or*
19 *leasing of water for in-stream purposes if the water is al-*
20 *ready committed to in-stream purposes by a court adopted*
21 *decree or order.*

22 **CALIFORNIA BAY-DELTA RESTORATION**

23 **(INCLUDING TRANSFERS OF FUNDS)**

24 *For carrying out activities authorized by the Water*
25 *Supply, Reliability, and Environmental Improvement Act,*

1 *consistent with plans to be approved by the Secretary of*
2 *the Interior, \$36,000,000, to remain available until ex-*
3 *pended, of which such amounts as may be necessary to*
4 *carry out such activities may be transferred to appropriate*
5 *accounts of other participating Federal agencies to carry*
6 *out authorized purposes: Provided, That funds appro-*
7 *priated herein may be used for the Federal share of the costs*
8 *of CALFED Program management: Provided further, That*
9 *CALFED implementation shall be carried out in a bal-*
10 *anced manner with clear performance measures dem-*
11 *onstrating concurrent progress in achieving the goals and*
12 *objectives of the Program.*

13 *POLICY AND ADMINISTRATION*

14 *For expenses necessary for policy, administration, and*
15 *related functions in the Office of the Commissioner, the*
16 *Denver office, and offices in the five regions of the Bureau*
17 *of Reclamation, to remain available until September 30,*
18 *2018, \$59,000,000, to be derived from the Reclamation*
19 *Fund and be nonreimbursable as provided in 43 U.S.C.*
20 *377: Provided, That no part of any other appropriation in*
21 *this Act shall be available for activities or functions budg-*
22 *eted as policy and administration expenses.*

ADMINISTRATIVE PROVISION

2 *Appropriations for the Bureau of Reclamation shall*
3 *be available for purchase of not to exceed five passenger*
4 *motor vehicles, which are for replacement only.*

*7 SEC. 201. (a) None of the funds provided in title II
8 of this Act for Water and Related Resources, or provided
9 by previous or subsequent appropriations Acts to the agen-
10 cies or entities funded in title II of this Act for Water and
11 Related Resources that remain available for obligation or
12 expenditure in fiscal year 2017, shall be available for obli-
13 gation or expenditure through a reprogramming of funds
14 that—*

15 (1) initiates or creates a new program, project,
16 or activity;

17 (2) eliminates a program, project, or activity
18 unless the program, project or activity has received no
19 appropriated funding for at least five fiscal years;

20 (3) increases funds for any program, project, or
21 activity for which funds have been denied or restricted
22 by this Act, unless prior approval is received from the
23 Committees on Appropriations of the House of Rep-
24 resentatives and the Senate;

1 (4) restarts or resumes any program, project or
2 activity for which funds are not provided in this Act,
3 unless prior approval is received from the Committees
4 on Appropriations of the House of Representatives
5 and the Senate;

6 (5) transfers funds in excess of the following lim-
7 its, unless prior approval is received from the Com-
8 mittees on Appropriations of the House of Represen-
9 tatives and the Senate:

10 (A) 15 percent for any program, project or
11 activity for which \$2,000,000 or more is avail-
12 able at the beginning of the fiscal year; or

13 (B) \$400,000 for any program, project or
14 activity for which less than \$2,000,000 is avail-
15 able at the beginning of the fiscal year;

16 (6) transfers more than \$500,000 from either the
17 Facilities Operation, Maintenance, and Rehabilita-
18 tion category or the Resources Management and De-
19 velopment category to any program, project, or activi-
20 ty in the other category, unless prior approval is re-
21 ceived from the Committees on Appropriations of the
22 House of Representatives and the Senate; or

23 (7) transfers, where necessary to discharge legal
24 obligations of the Bureau of Reclamation, more than
25 \$5,000,000 to provide adequate funds for settled con-

1 *tractor claims, increased contractor earnings due to
2 accelerated rates of operations, and real estate defi-
3 ciency judgments, unless prior approval is received
4 from the Committees on Appropriations of the House
5 of Representatives and the Senate.*

6 *(b) Subsection (a)(5) shall not apply to any transfer
7 of funds within the Facilities Operation, Maintenance, and
8 Rehabilitation category.*

9 *(c) For purposes of this section, the term transfer
10 means any movement of funds into or out of a program,
11 project, or activity.*

12 *(d) The Bureau of Reclamation shall submit reports
13 on a quarterly basis to the Committees on Appropriations
14 of the House of Representatives and the Senate detailing
15 all the funds reprogrammed between programs, projects, ac-
16 tivities, or categories of funding. The first quarterly report
17 shall be submitted not later than 60 days after the date of
18 enactment of this Act.*

19 SEC. 202. (a) None of the funds appropriated or other-
20 wise made available by this Act may be used to determine
21 the final point of discharge for the interceptor drain for
22 the San Luis Unit until development by the Secretary of
23 the Interior and the State of California of a plan, which
24 shall conform to the water quality standards of the State
25 of California as approved by the Administrator of the Envi-

1 ronmental Protection Agency, to minimize any detrimental
2 effect of the San Luis drainage waters.

3 (b) The costs of the Kesterson Reservoir Cleanup Pro-
4 gram and the costs of the San Joaquin Valley Drainage
5 Program shall be classified by the Secretary of the Interior
6 as reimbursable or nonreimbursable and collected until fully
7 repaid pursuant to the “Cleanup Program—Alternative
8 Repayment Plan” and the “SJVDP—Alternative Repay-
9 ment Plan” described in the report entitled “Repayment
10 Report, Kesterson Reservoir Cleanup Program and San
11 Joaquin Valley Drainage Program, February 1995”, pre-
12 pared by the Department of the Interior, Bureau of Rec-
13 lamation. Any future obligations of funds by the United
14 States relating to, or providing for, drainage service or
15 drainage studies for the San Luis Unit shall be fully reim-
16 bursable by San Luis Unit beneficiaries of such service or
17 studies pursuant to Federal reclamation law.

18 SEC. 203. Title I of Public Law 108–361 (the Calfed
19 Bay-Delta Authorization Act) (118 Stat. 1681), as amended
20 by section 210 of Public Law 111–85, is amended by strik-
21 ing “2017” each place it appears and inserting “2019”.

22 SEC. 204. Section 9504(e) of the Secure Water Act of
23 2009 (42 U.S.C. 10364(e)) is amended by striking
24 “\$350,000,000” and inserting “\$450,000,000, on the condi-
25 tion that of that amount, \$50,000,000 is used to carry out

1 section 206 of the Energy and Water Development and Re-
2 lated Agencies Appropriations Act, 2015 (43 U.S.C. 620
3 note; Public Law 113–235)”.

4 SEC. 205. Section 205 of the Energy and Water Devel-
5 opment and Related Agencies Appropriations Act, 2016
6 (Public Law 114–113; 129 Stat. 2242), is amended—

7 (1) in paragraph (2)—

8 (A) by striking “feasibility studies described
9 in clauses (i)(II) and (ii)(I)” and inserting “fea-
10 sibility study described in clause (i)(II)”; and

11 (B) by striking “such studies” and inserting
12 “such study”;

13 (2) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively; and

15 (3) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) not later than November 30, 2017, complete
18 and submit to the appropriate committees of the
19 House of Representatives and the Senate the feasi-
20 bility study described in section 103(d)(1)(A)(ii)(I) of
21 the Calfed Bay-Delta Authorization Act (Public Law
22 108–361; 118 Stat. 1684);”.

23 SEC. 206. (a) The Secretary of the Interior, in coordi-
24 nation with the Secretary of the Army and the Secretary
25 of Agriculture, may enter into an agreement with the Na-

1 *tional Academy of Sciences under which the National Acad-*
2 *emy of Sciences shall conduct a comprehensive study, to be*
3 *completed not later than 1 year after the date of enactment*
4 *of this Act, on the effectiveness and environmental impact*
5 *of salt cedar control efforts (including biological control) in*
6 *increasing water supplies, restoring riparian habitat, and*
7 *improving flood management.*

8 (b) *Not later than 1 year after the date of completion*
9 *of the study under subsection (a), the Secretary of the Inter-*
10 *prior, in coordination with the Secretary of Agriculture, may*
11 *prepare a plan for the removal of salt cedar from all Fed-*
12 *eral land in the Lower Colorado River basin based on the*
13 *findings and recommendations of the study conducted by*
14 *the National Academy of Sciences that includes—*

15 (1) *provisions for revegetating Federal land with*
16 *native vegetation;*
17 (2) *provisions for adapting to the increasing*
18 *presence of biological control in the Lower Colorado*
19 *River basin;*
20 (3) *provisions for removing salt cedar from Fed-*
21 *eral land during post-wildfire recovery activities;*
22 (4) *strategies for developing partnerships with*
23 *State, tribal, and local governmental entities in the*
24 *eradication of salt cedar; and*

1 (5) budget estimates and completion timelines for
2 the implementation of plan elements.

3 **TITLE III**

4 **DEPARTMENT OF ENERGY**

5 **ENERGY PROGRAMS**

6 **ENERGY EFFICIENCY AND RENEWABLE ENERGY**

7 *For Department of Energy expenses including the pur-*
8 *chase, construction, and acquisition of plant and capital*
9 *equipment, and other expenses necessary for energy effi-*
10 *ciency and renewable energy activities in carrying out the*
11 *purposes of the Department of Energy Organization Act (42*
12 *U.S.C. 7101 et seq.), including the acquisition or con-*
13 *demnation of any real property or any facility or for plant*
14 *or facility acquisition, construction, or expansion,*
15 *\$2,073,000,000, to remain available until expended: Pro-*
16 *vided, That of such amount, \$153,500,000 shall be available*
17 *until September 30, 2018, for program direction: Provided*
18 *further, That of such amount \$220,600,000 shall be avail-*
19 *able for the Weatherization Assistance Program, of which*
20 *\$6,000,000 shall be derived by transfer from the amount*
21 *otherwise available for Building Technologies: Provided fur-*
22 *ther, That of such amount, \$95,400,000 shall be available*
23 *for wind energy.*

1 *ELECTRICITY DELIVERY AND ENERGY RELIABILITY*

2 *For Department of Energy expenses including the pur-
3 chase, construction, and acquisition of plant and capital
4 equipment, and other expenses necessary for electricity de-
5 livery and energy reliability activities in carrying out the
6 purposes of the Department of Energy Organization Act (42
7 U.S.C. 7101 et seq.), including the acquisition or con-
8 demnation of any real property or any facility or for plant
9 or facility acquisition, construction, or expansion,
10 \$206,000,000, to remain available until expended: Pro-
11 vided, That of such amount, \$28,500,000 shall be available
12 until September 30, 2018, for program direction.*

13 *NUCLEAR ENERGY*

14 *For Department of Energy expenses including the pur-
15 chase, construction, and acquisition of plant and capital
16 equipment, and other expenses necessary for nuclear energy
17 activities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or any facility or for plant or facility acquisition, con-
21 struction, or expansion, and the purchase of no more than
22 three emergency service vehicles for replacement only,
23 \$1,057,903,000, to remain available until expended: Pro-
24 vided, That of such amount, the Secretary of Energy may
25 obligate up to \$10,000,000 under existing authorities, for*

1 contracting for the management of used nuclear fuel to
2 which the Secretary holds the title or has a contract to ac-
3 cept title: Provided further, That of such amount,
4 \$80,000,000 shall be available until September 30, 2018,
5 for program direction.

6 **FOSSIL ENERGY RESEARCH AND DEVELOPMENT**

7 *For Department of Energy expenses necessary in car-
8 rying out fossil energy research and development activities,
9 under the authority of the Department of Energy Organiza-
10 tion Act (42 U.S.C. 7101 et seq.), including the acquisition
11 of interest, including defeasible and equitable interests in
12 any real property or any facility or for plant or facility
13 acquisition or expansion, and for conducting inquiries,
14 technological investigations and research concerning the ex-
15 traction, processing, use, and disposal of mineral substances
16 without objectionable social and environmental costs (30
17 U.S.C. 3, 1602, and 1603), \$632,000,000, to remain avail-
18 able until expended: Provided, That of the amount made
19 available under this heading in this Act, \$60,000,000 shall
20 be available until September 30, 2018, for program direc-
21 tion.*

22 **NAVAL PETROLEUM AND OIL SHALE RESERVES**

23 *For Department of Energy expenses necessary to carry
24 out naval petroleum and oil shale reserve activities,
25 \$14,950,000, to remain available until expended: Provided,*

1 *That notwithstanding any other provision of law, unobli-*
2 *gated funds remaining from prior years shall be available*
3 *for all naval petroleum and oil shale reserve activities.*

4 **STRATEGIC PETROLEUM RESERVE**

5 *For Department of Energy expenses necessary for*
6 *Strategic Petroleum Reserve facility development and oper-*
7 *ations and program management activities pursuant to the*
8 *Energy Policy and Conservation Act (42 U.S.C. 6201 et*
9 *seq.), \$200,000,000, to remain available until expended.*
10 *Provided, That as authorized by section 404 of the Bipar-*
11 *tisan Budget Act of 2015 (Public Law 114–74), the Sec-*
12 *retary of the Department of Energy shall drawdown and*
13 *sell not to exceed \$375,400,000 of crude oil from the Stra-*
14 *tegic Petroleum Reserve in fiscal year 2017: Provided fur-*
15 *ther, That the proceeds from such drawdown and sale shall*
16 *be deposited into the Energy Security and Infrastructure*
17 *Modernization Fund during fiscal year 2017 and shall re-*
18 *main available until expended for necessary expenses in*
19 *carrying out construction, operations, maintenance, repair,*
20 *and replacement activities of the Strategic Petroleum Re-*
21 *serve.*

22 **NORTHEAST HOME HEATING OIL RESERVE**

23 *For Department of Energy expenses necessary for*
24 *Northeast Home Heating Oil Reserve storage, operation,*
25 *and management activities pursuant to the Energy Policy*

1 and Conservation Act (42 U.S.C. 6201 et seq.), \$6,500,000,
2 to remain available until expended.

3 **ENERGY INFORMATION ADMINISTRATION**

4 For Department of Energy expenses necessary in car-
5 rying out the activities of the Energy Information Adminis-
6 tration, \$122,000,000, to remain available until expended.

7 **NON-DEFENSE ENVIRONMENTAL CLEANUP**

8 For Department of Energy expenses, including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment and other expenses necessary for non-defense
11 environmental cleanup activities in carrying out the pur-
12 poses of the Department of Energy Organization Act (42
13 U.S.C. 7101 et seq.), including the acquisition or con-
14 demnation of any real property or any facility or for plant
15 or facility acquisition, construction, or expansion,
16 \$255,000,000, to remain available until expended.

17 **URANIUM ENRICHMENT DECONTAMINATION AND**
18 **DECOMMISSIONING FUND**

19 For Department of Energy expenses necessary in car-
20 rying out uranium enrichment facility decontamination
21 and decommissioning, remedial actions, and other activities
22 of title II of the Atomic Energy Act of 1954, and title X,
23 subtitle A, of the Energy Policy Act of 1992, \$717,741,000,
24 to be derived from the Uranium Enrichment Decontamina-
25 tion and Decommissioning Fund, to remain available until

1 expended, of which \$30,000,000 shall be available in accord-
2 ance with title X, subtitle A, of the Energy Policy Act of
3 1992.

4 SCIENCE

5 For Department of Energy expenses including the pur-
6 chase, construction, and acquisition of plant and capital
7 equipment, and other expenses necessary for science activi-
8 ties in carrying out the purposes of the Department of En-
9 ergy Organization Act (42 U.S.C. 7101 et seq.), including
10 the acquisition or condemnation of any real property or
11 facility or for plant or facility acquisition, construction, or
12 expansion, and purchase of not more than 17 passenger
13 motor vehicles for replacement only, including one ambu-
14 lance and one bus, \$5,400,000,000, to remain available
15 until expended: Provided, That of such amount,
16 \$191,500,000 shall be available until September 30, 2018,
17 for program direction.

18 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

19 *For Department of Energy expenses necessary in car-*
20 *rying out the activities authorized by section 5012 of the*
21 *America COMPETES Act (Public Law 110-69),*
22 *\$325,000,000, to remain available until expended: Pro-*
23 *vided, That of such amount, \$29,250,000 shall be available*
24 *until September 30, 2018, for program direction.*

1 *OFFICE OF INDIAN ENERGY*

2 *For necessary expenses for Indian Energy activities in*
3 *carrying out the purposes of the Department of Energy Or-*
4 *ganization Act (42 U.S.C. 7101 et seq.), \$20,000,000, to re-*
5 *main available until expended: Provided, That, of the*
6 *amount appropriated under this heading, \$4,800,000 shall*
7 *be available until September 30, 2018, for program direc-*
8 *tion.*

9 *TRIBAL ENERGY LOAN GUARANTEE PROGRAM*

10 *For the cost of loan guarantees provided under section*
11 *2602(c) of the Energy Policy Act of 1992 (25 U.S.C.*
12 *3502(c)), \$8,500,000, to remain available until expended:*
13 *Provided, That the cost of those loan guarantees (including*
14 *the costs of modifying loans, as applicable) shall be deter-*
15 *mined in accordance with section 502 of the Congressional*
16 *Budget Act of 1974 (2 U.S.C. 661a): Provided further, That,*
17 *for necessary administrative expenses to carry out that pro-*
18 *gram, \$500,000 is appropriated, to remain available until*
19 *expended: Provided further, That, of the subsidy amounts*
20 *provided by section 1425 of the Department of Defense and*
21 *Full-Year Continuing Appropriations Act, 2011 (Public*
22 *Law 112–10; 125 Stat. 126), for the cost of loan guarantees*
23 *for renewable energy or efficient end-use energy technologies*
24 *under section 1703 of the Energy Policy Act of 2005 (42*
25 *U.S.C. 16513), \$9,000,000 is permanently canceled.*

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, \$37,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2018: Provided further, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than \$37,000,000: Provided further, That fees collected pursuant to such section 1702(h) for fiscal year 2017 shall be credited as offsetting collections under this heading and shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations

*1 in violation of section 609.10 of title 10, Code of Federal
2 Regulations.*

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

4 LOAN PROGRAM

5 For Department of Energy administrative expenses
6 necessary in carrying out the Advanced Technology Vehicles
7 Manufacturing Loan Program, \$5,000,000, to remain
8 available until September 30, 2018.

9 DEPARTMENTAL ADMINISTRATION

10 For salaries and expenses of the Department of Energy
11 necessary for departmental administration in carrying out
12 the purposes of the Department of Energy Organization Act
13 (42 U.S.C. 7101 et seq.), \$232,142,000, to remain available
14 until September 30, 2018, including the hire of passenger
15 motor vehicles and official reception and representation ex-
16 penses not to exceed \$30,000, plus such additional amounts
17 as necessary to cover increases in the estimated amount of
18 cost of work for others notwithstanding the provisions of
19 the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,
20 That such increases in cost of work are offset by revenue
21 increases of the same or greater amount: Provided further,
22 That moneys received by the Department for miscellaneous
23 revenues estimated to total \$103,000,000 in fiscal year 2017
24 may be retained and used for operating expenses within this
25 account, as authorized by section 201 of Public Law 95-

1 *238, notwithstanding the provisions of 31 U.S.C. 3302: Pro-*
2 *vided further, That the sum herein appropriated shall be*
3 *reduced as collections are received during the fiscal year*
4 *so as to result in a final fiscal year 2017 appropriation*
5 *from the general fund estimated at not more than*
6 *\$129,142,000.*

7 *OFFICE OF THE INSPECTOR GENERAL*

8 *For expenses necessary for the Office of the Inspector*
9 *General in carrying out the provisions of the Inspector Gen-*
10 *eral Act of 1978, \$44,424,000, to remain available until*
11 *September 30, 2018.*

12 *ATOMIC ENERGY DEFENSE ACTIVITIES*

13 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

14 *WEAPONS ACTIVITIES*

15 *For Department of Energy expenses, including the*
16 *purchase, construction, and acquisition of plant and cap-*
17 *ital equipment and other incidental expenses necessary for*
18 *atomic energy defense weapons activities in carrying out*
19 *the purposes of the Department of Energy Organization Act*
20 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
21 *demnation of any real property or any facility or for plant*
22 *or facility acquisition, construction, or expansion,*
23 *\$9,285,147,000, to remain available until expended: Pro-*
24 *vided, That of such amount, \$106,600,000 shall be available*
25 *until September 30, 2018, for program direction.*

1 **DEFENSE NUCLEAR NONPROLIFERATION**

2 *For Department of Energy expenses, including the*
3 *purchase, construction, and acquisition of plant and cap-*
4 *ital equipment and other incidental expenses necessary for*
5 *defense nuclear nonproliferation activities, in carrying out*
6 *the purposes of the Department of Energy Organization Act*
7 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
8 *demnation of any real property or any facility or for plant*
9 *or facility acquisition, construction, or expansion,*
10 *\$1,821,916,000, to remain available until expended.*

11 **NAVAL REACTORS**

12 *For Department of Energy expenses necessary for*
13 *naval reactors activities to carry out the Department of En-*
14 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
15 *the acquisition (by purchase, condemnation, construction,*
16 *or otherwise) of real property, plant, and capital equip-*
17 *ment, facilities, and facility expansion, \$1,351,520,000, to*
18 *remain available until expended: Provided, That of such*
19 *amount, \$47,100,000 shall be available until September 30,*
20 *2018, for program direction.*

21 **FEDERAL SALARIES AND EXPENSES**

22 *For expenses necessary for Federal Salaries and Ex-*
23 *penses in the National Nuclear Security Administration,*
24 *\$408,603,000, to remain available until September 30,*

1 2018, including official reception and representation ex-
2 penses not to exceed \$12,000.

3 ***ENVIRONMENTAL AND OTHER DEFENSE***

4 ***ACTIVITIES***

5 ***DEFENSE ENVIRONMENTAL CLEANUP***

6 For Department of Energy expenses, including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment and other expenses necessary for atomic en-
9 ergy defense environmental cleanup activities in carrying
10 out the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion,
14 and the purchase of not to exceed one fire apparatus pump-
15 er truck, one aerial lift truck, one refuse truck, and one
16 semi-truck for replacement only, \$5,379,018,000, to remain
17 available until expended: Provided, That of such amount
18 \$290,050,000 shall be available until September 30, 2018,
19 for program direction.

20 ***DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND***

21 ***DECOMMISSIONING***

22 ***(INCLUDING TRANSFER OF FUNDS)***

23 For an additional amount for atomic energy defense
24 environmental cleanup activities for Department of Energy
25 contributions for uranium enrichment decontamination

1 and decommissioning activities, \$717,741,000, to be depos-
2 ited into the Defense Environmental Cleanup account
3 which shall be transferred to the “Uranium Enrichment De-
4 contamination and Decommissioning Fund”.

5 ***OTHER DEFENSE ACTIVITIES***

6 *For Department of Energy expenses, including the*
7 *purchase, construction, and acquisition of plant and cap-*
8 *ital equipment and other expenses, necessary for atomic en-*
9 *ergy defense, other defense activities, and classified activi-*
10 *ties, in carrying out the purposes of the Department of En-*
11 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
12 *the acquisition or condemnation of any real property or*
13 *any facility or for plant or facility acquisition, construc-*
14 *tion, or expansion, \$791,552,000, to remain available until*
15 *expended: Provided, That of such amount, \$258,061,000*
16 *shall be available until September 30, 2018, for program*
17 *direction.*

18 ***POWER MARKETING ADMINISTRATIONS***

19 ***BONNEVILLE POWER ADMINISTRATION FUND***

20 *Expenditures from the Bonneville Power Administra-*
21 *tion Fund, established pursuant to Public Law 93–454, are*
22 *approved for official reception and representation expenses*
23 *in an amount not to exceed \$5,000: Provided, That during*
24 *fiscal year 2017, no new direct loan obligations may be*
25 *made.*

1 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*2 *ADMINISTRATION*

3 *For expenses necessary for operation and maintenance*
4 *of power transmission facilities and for marketing electric*
5 *power and energy, including transmission wheeling and*
6 *ancillary services, pursuant to section 5 of the Flood Con-*
7 *trol Act of 1944 (16 U.S.C. 825s), as applied to the south-*
8 *eastern power area, \$1,000,000, including official reception*
9 *and representation expenses in an amount not to exceed*
10 *\$1,500, to remain available until expended: Provided, That*
11 *notwithstanding 31 U.S.C. 3302 and section 5 of the Flood*
12 *Control Act of 1944, up to \$1,000,000 collected by the*
13 *Southeastern Power Administration from the sale of power*
14 *and related services shall be credited to this account as dis-*
15 *cretionary offsetting collections, to remain available until*
16 *expended for the sole purpose of funding the annual ex-*
17 *penses of the Southeastern Power Administration: Provided*
18 *further, That the sum herein appropriated for annual ex-*
19 *penses shall be reduced as collections are received during*
20 *the fiscal year so as to result in a final fiscal year 2017*
21 *appropriation estimated at not more than \$0: Provided fur-*
22 *ther, That notwithstanding 31 U.S.C. 3302, up to*
23 *\$60,760,000 collected by the Southeastern Power Adminis-*
24 *tration pursuant to the Flood Control Act of 1944 to recover*
25 *purchase power and wheeling expenses shall be credited to*

1 *this account as offsetting collections, to remain available*
2 *until expended for the sole purpose of making purchase*
3 *power and wheeling expenditures: Provided further, That*
4 *for purposes of this appropriation, annual expenses means*
5 *expenditures that are generally recovered in the same year*
6 *that they are incurred (excluding purchase power and*
7 *wheeling expenses).*

8 ***OPERATION AND MAINTENANCE, SOUTHWESTERN POWER***

9 ***ADMINISTRATION***

10 *For expenses necessary for operation and maintenance*
11 *of power transmission facilities and for marketing electric*
12 *power and energy, for construction and acquisition of*
13 *transmission lines, substations and appurtenant facilities,*
14 *and for administrative expenses, including official recep-*
15 *tion and representation expenses in an amount not to ex-*
16 *ceed \$1,500 in carrying out section 5 of the Flood Control*
17 *Act of 1944 (16 U.S.C. 825s), as applied to the South-*
18 *western Power Administration, \$45,643,000, to remain*
19 *available until expended: Provided, That notwithstanding*
20 *31 U.S.C. 3302 and section 5 of the Flood Control Act of*
21 *1944 (16 U.S.C. 825s), up to \$34,586,000 collected by the*
22 *Southwestern Power Administration from the sale of power*
23 *and related services shall be credited to this account as dis-*
24 *cretionary offsetting collections, to remain available until*
25 *expended, for the sole purpose of funding the annual ex-*

1 penses of the Southwestern Power Administration: Provided
2 further, That the sum herein appropriated for annual ex-
3 penses shall be reduced as collections are received during
4 the fiscal year so as to result in a final fiscal year 2017
5 appropriation estimated at not more than \$11,057,000:
6 Provided further, That notwithstanding 31 U.S.C. 3302, up
7 to \$73,000,000 collected by the Southwestern Power Admin-
8 istration pursuant to the Flood Control Act of 1944 to re-
9 cover purchase power and wheeling expenses shall be cred-
10 ited to this account as offsetting collections, to remain avail-
11 able until expended for the sole purpose of making purchase
12 power and wheeling expenditures: Provided further, That
13 for purposes of this appropriation, annual expenses means
14 expenditures that are generally recovered in the same year
15 that they are incurred (excluding purchase power and
16 wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND
18 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

19 For carrying out the functions authorized by title III,
20 section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.
21 7152), and other related activities including conservation
22 and renewable resources programs as authorized,
23 \$307,144,000, including official reception and representa-
24 tion expenses in an amount not to exceed \$1,500, to remain
25 available until expended, of which \$299,742,000 shall be de-

1 rived from the Department of the Interior Reclamation
2 Fund: Provided, That notwithstanding 31 U.S.C. 3302, sec-
3 tion 5 of the Flood Control Act of 1944 (16 U.S.C. 825s),
4 and section 1 of the Interior Department Appropriation
5 Act, 1939 (43 U.S.C. 392a), up to \$211,563,000 collected
6 by the Western Area Power Administration from the sale
7 of power and related services shall be credited to this ac-
8 count as discretionary offsetting collections, to remain
9 available until expended, for the sole purpose of funding
10 the annual expenses of the Western Area Power Administra-
11 tion: Provided further, That the sum herein appropriated
12 for annual expenses shall be reduced as collections are re-
13 ceived during the fiscal year so as to result in a final fiscal
14 year 2017 appropriation estimated at not more than
15 \$95,581,000, of which \$88,179,000 is derived from the Rec-
16 lamation Fund: Provided further, That notwithstanding 31
17 U.S.C. 3302, up to \$367,009,000 collected by the Western
18 Area Power Administration pursuant to the Flood Control
19 Act of 1944 and the Reclamation Project Act of 1939 to
20 recover purchase power and wheeling expenses shall be cred-
21 ited to this account as offsetting collections, to remain avail-
22 able until expended for the sole purpose of making purchase
23 power and wheeling expenditures: Provided further, That
24 for purposes of this appropriation, annual expenses means
25 expenditures that are generally recovered in the same year

1 that they are incurred (excluding purchase power and
2 wheeling expenses).

3 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

4 *FUND*

5 *For operation, maintenance, and emergency costs for*
6 *the hydroelectric facilities at the Falcon and Amistad*
7 *Dams, \$4,070,000, to remain available until expended, and*
8 *to be derived from the Falcon and Amistad Operating and*
9 *Maintenance Fund of the Western Area Power Administra-*
10 *tion, as provided in section 2 of the Act of June 18, 1954*
11 *(68 Stat. 255): Provided, That notwithstanding the provi-*
12 *sions of that Act and of 31 U.S.C. 3302, up to \$3,838,000*
13 *collected by the Western Area Power Administration from*
14 *the sale of power and related services from the Falcon and*
15 *Amistad Dams shall be credited to this account as discre-*
16 *tionary offsetting collections, to remain available until ex-*
17 *pended for the sole purpose of funding the annual expenses*
18 *of the hydroelectric facilities of these Dams and associated*
19 *Western Area Power Administration activities: Provided*
20 *further, That the sum herein appropriated for annual ex-*
21 *penses shall be reduced as collections are received during*
22 *the fiscal year so as to result in a final fiscal year 2017*
23 *appropriation estimated at not more than \$232,000: Pro-*
24 *vided further, That for purposes of this appropriation, an-*
25 *nual expenses means expenditures that are generally recov-*

1 ered in the same year that they are incurred: Provided fur-
2 ther, That for fiscal year 2017, the Administrator of the
3 Western Area Power Administration may accept up to
4 \$323,000 in funds contributed by United States power cus-
5 tomers of the Falcon and Amistad Dams for deposit into
6 the Falcon and Amistad Operating and Maintenance Fund,
7 and such funds shall be available for the purpose for which
8 contributed in like manner as if said sums had been specifi-
9 cally appropriated for such purpose: Provided further, That
10 any such funds shall be available without further appro-
11 priation and without fiscal year limitation for use by the
12 Commissioner of the United States Section of the Inter-
13 national Boundary and Water Commission for the sole pur-
14 pose of operating, maintaining, repairing, rehabilitating,
15 replacing, or upgrading the hydroelectric facilities at these
16 Dams in accordance with agreements reached between the
17 Administrator, Commissioner, and the power customers.

18 **FEDERAL ENERGY REGULATORY COMMISSION**

19 **SALARIES AND EXPENSES**

20 For expenses necessary for the Federal Energy Regu-
21 latory Commission to carry out the provisions of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including services as authorized by 5 U.S.C. 3109,
24 official reception and representation expenses not to exceed
25 \$3,000, and the hire of passenger motor vehicles,

1 \$346,800,000, to remain available until expended: Pro-
2 vided, That notwithstanding any other provision of law, not
3 to exceed \$346,800,000 of revenues from fees and annual
4 charges, and other services and collections in fiscal year
5 2017 shall be retained and used for expenses necessary in
6 this account, and shall remain available until expended:
7 Provided further, That the sum herein appropriated from
8 the general fund shall be reduced as revenues are received
9 during fiscal year 2017 so as to result in a final fiscal year
10 2017 appropriation from the general fund estimated at not
11 more than \$0.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. (a) No appropriation, funds, or authority
16 made available by this title for the Department of Energy
17 shall be used to initiate or resume any program, project,
18 or activity or to prepare or initiate Requests For Proposals
19 or similar arrangements (including Requests for
20 Quotations, Requests for Information, and Funding Oppor-
21 tunity Announcements) for a program, project, or activity
22 if the program, project, or activity has not been funded by
23 Congress.

24 (b)(1) Unless the Secretary of Energy notifies the Com-
25 mittees on Appropriations of both Houses of Congress at

1 least 3 full business days in advance, none of the funds
2 made available in this title may be used to—

3 (A) make a grant allocation or discretionary
4 grant award totaling \$1,000,000 or more;

5 (B) make a discretionary contract award or
6 Other Transaction Agreement totaling \$1,000,000 or
7 more, including a contract covered by the Federal Ac-
8 quisition Regulation;

9 (C) issue a letter of intent to make an allocation,
10 award, or Agreement in excess of the limits in sub-
11 paragraph (A) or (B); or

12 (D) announce publicly the intention to make an
13 allocation, award, or Agreement in excess of the limits
14 in subparagraph (A) or (B).

15 (2) The Secretary of Energy shall submit to the Com-
16 mittees on Appropriations of both Houses of Congress with-
17 in 15 days of the conclusion of each quarter a report detail-
18 ing each grant allocation or discretionary grant award to-
19 taling less than \$1,000,000 provided during the previous
20 quarter.

21 (3) The notification required by paragraph (1) and the
22 report required by paragraph (2) shall include the recipient
23 of the award, the amount of the award, the fiscal year for
24 which the funds for the award were appropriated, the ac-
25 count and program, project, or activity from which the

1 funds are being drawn, the title of the award, and a brief
2 description of the activity for which the award is made.

3 (c) The Department of Energy may not, with respect
4 to any program, project, or activity that uses budget au-
5 thority made available in this title under the heading "De-
6 partment of Energy—Energy Programs", enter into a
7 multiyear contract, award a multiyear grant, or enter into
8 a multiyear cooperative agreement unless—

9 (1) the contract, grant, or cooperative agreement
10 is funded for the full period of performance as antici-
11 pated at the time of award; or

12 (2) the contract, grant, or cooperative agreement
13 includes a clause conditioning the Federal Govern-
14 ment's obligation on the availability of future year
15 budget authority and the Secretary notifies the Com-
16 mittees on Appropriations of both Houses of Congress
17 at least 3 days in advance.

18 (d) Except as provided in subsections (e), (f), and (g),
19 the amounts made available by this title shall be expended
20 as authorized by law for the programs, projects, and activi-
21 ties specified in the "Final Bill" column in the "Depart-
22 ment of Energy" table included under the heading "Title
23 III—Department of Energy" in the report of the Committee
24 on Appropriations accompanying this Act.

1 (e) The amounts made available by this title may be
2 reprogrammed for any program, project, or activity, and
3 the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to
4 the use of any proposed reprogramming that would cause
5 any program, project, or activity funding level to increase
6 or decrease by more than \$5,000,000 or 10 percent, whichever
7 ever is less, during the time period covered by this Act.

8 (f) None of the funds provided in this title shall be
9 available for obligation or expenditure through a re-
10 programming of funds that—

11 (1) creates, initiates, or eliminates a program,
12 project, or activity;
13 (2) increases funds or personnel for any pro-
14 gram, project, or activity for which funds are denied
15 or restricted by this Act; or
16 (3) reduces funds that are directed to be used for
17 a specific program, project, or activity by this Act.

18 (g)(1) The Secretary of Energy may waive any re-
19 quirement or restriction in this section that applies to the
20 use of funds made available for the Department of Energy
21 if compliance with such requirement or restriction would
22 pose a substantial risk to human health, the environment,
23 welfare, or national security.

1 (2) *The Secretary of Energy shall notify the Commit-*
2 *tees on Appropriations of both Houses of Congress of any*
3 *waiver under paragraph (1) as soon as practicable, but not*
4 *later than 3 days after the date of the activity to which*
5 *a requirement or restriction would otherwise have applied.*
6 *Such notice shall include an explanation of the substantial*
7 *risk under paragraph (1) that permitted such waiver.*

8 (h) *The unexpended balances of prior appropriations*
9 *provided for activities in this Act may be available to the*
10 *same appropriation accounts for such activities established*
11 *pursuant to this title. Available balances may be merged*
12 *with funds in the applicable established accounts and there-*
13 *after may be accounted for as one fund for the same time*
14 *period as originally enacted.*

15 SEC. 302. (a) *Unobligated balances available from ap-*
16 *propriations are hereby permanently rescinded from the fol-*
17 *lowing accounts of the Department of Energy in the speci-*
18 *fied amounts:*

19 (1) *“Atomic Energy Defense Activities—Na-*
20 *tional Nuclear Security Administration—Weapons*
21 *Activities”, \$50,400,000.*

22 (2) *“Atomic Energy Defense Activities—Na-*
23 *tional Nuclear Security Administration—Defense Nu-*
24 *clear Nonproliferation”, \$14,000,000.*

1 (3) “*Energy Program—Fossil Energy Research*
2 *and Development*”, \$240,000,000.

3 (4) “*Energy Program—Title 17 Innovative*
4 *Technology Loan Guarantee Program*”, \$9,500,000.

5 (5) “*Energy Program—Energy Efficiency and*
6 *Renewable Energy*”, \$20,600,000.

7 (6) “*Energy Program—Nuclear Energy*”,
8 \$231,000.

9 (7) “*Energy Program—Strategic Petroleum Re-*
10 *serve*”, \$150,000.

11 (8) “*Energy Program—Naval Petroleum and Oil*
12 *Shale Reserves*”, \$150,000.

13 (9) “*Energy Program—Science*”, \$1,700,000.

14 (b) *No amounts may be rescinded by this section from*
15 *amounts that were designated by Congress as an emergency*
16 *requirement pursuant to a concurrent resolution on the*
17 *budget or the Balanced Budget and Emergency Deficit Con-*
18 *trol Act of 1985.*

19 SEC. 303. *Funds appropriated by this or any other*
20 *Act, or made available by the transfer of funds in this Act,*
21 *for intelligence activities are deemed to be specifically au-*
22 *thorized by the Congress for purposes of section 504 of the*
23 *National Security Act of 1947 (50 U.S.C. 3094) during fis-*
24 *cal year 2017 until the enactment of the Intelligence Au-*
25 *thorization Act for fiscal year 2017.*

1 SEC. 304. *None of the funds made available in this
2 title shall be used for the construction of facilities classified
3 as high-hazard nuclear facilities under 10 CFR Part 830
4 unless independent oversight is conducted by the Office of
5 Enterprise Assessments to ensure the project is in compli-
6 ance with nuclear safety requirements.*

7 SEC. 305. *None of the funds made available in this
8 title may be used to approve critical decision-2 or critical
9 decision-3 under Department of Energy Order 413.3B, or
10 any successive departmental guidance, for construction
11 projects where the total project cost exceeds \$100,000,000,
12 until a separate independent cost estimate has been devel-
13 oped for the project for that critical decision.*

14 SEC. 306. (a) *DEFINITIONS.—In this section:*

15 (1) *AFFECTED INDIAN TRIBE.—The term “af-
16 fected Indian tribe” has the meaning given the term
17 in section 2 of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10101).*

19 (2) *HIGH-LEVEL RADIOACTIVE WASTE.—The
20 term “high-level radioactive waste” has the meaning
21 given the term in section 2 of the Nuclear Waste Pol-
22 icy Act of 1982 (42 U.S.C. 10101).*

23 (3) *NUCLEAR WASTE FUND.—The term “Nuclear
24 Waste Fund” means the Nuclear Waste Fund estab-*

1 lished under section 302(c) of the Nuclear Waste Pol-
2 icy Act of 1982 (42 U.S.C. 10222(c)).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (5) SPENT NUCLEAR FUEL.—The term “spent
6 nuclear fuel” has the meaning given the term in sec-
7 tion 2 of the Nuclear Waste Policy Act of 1982 (42
8 U.S.C. 10101).

9 (b) PILOT PROGRAM.—Notwithstanding any provision
10 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101
11 et seq.), the Secretary is authorized, in the current fiscal
12 year and subsequent fiscal years, to conduct a pilot pro-
13 gram, through 1 or more private sector partners, to license,
14 construct, and operate 1 or more government or privately
15 owned consolidated storage facilities to provide interim
16 storage as needed for spent nuclear fuel and high-level ra-
17 dioactive waste, with priority for storage given to spent nu-
18 clear fuel located on sites without an operating nuclear re-
19 actor.

20 (c) REQUESTS FOR PROPOSALS.—Not later than 120
21 days after the date of enactment of this Act, the Secretary
22 shall issue a request for proposals for cooperative agree-
23 ments—

1 (1) to obtain any license necessary from the Nuclear
2 Regulatory Commission for the construction of
3 1 or more consolidated storage facilities;

4 (2) to demonstrate the safe transportation of
5 spent nuclear fuel and high-level radioactive waste, as
6 applicable; and

7 (3) to demonstrate the safe storage of spent nuclear
8 fuel and high-level radioactive waste, as applicable,
9 at the 1 or more consolidated storage facilities
10 pending the construction and operation of deep geologic
11 disposal capacity for the permanent disposal of
12 the spent nuclear fuel.

13 (d) CONSENT-BASED APPROVAL.—Prior to siting a
14 consolidated storage facility pursuant to this section, the
15 Secretary shall enter into an agreement to host the facility
16 with—

17 (1) the Governor of the State;
18 (2) each unit of local government within the jurisdiction
19 of which the facility is proposed to be located; and
20 (3) each affected Indian tribe.

21 (e) APPLICABILITY.—In executing this section, the Secretary
22 shall comply with—

23 (1) all licensing requirements and regulations of
24 the Nuclear Regulatory Commission; and

1 (2) all other applicable laws (including regula-
2 tions).

3 (f) PILOT PROGRAM PLAN.—Not later than 120 days
4 after the date on which the Secretary issues the request for
5 proposals under subsection (c), the Secretary shall submit
6 to Congress a plan to carry out this section that includes—

7 (1) an estimate of the cost of licensing, con-
8 structing, and operating a consolidated storage facil-
9 ity, including the transportation costs, on an annual
10 basis, over the expected lifetime of the facility;

11 (2) a schedule for—

12 (A) obtaining any license necessary to con-
13 struct and operate a consolidated storage facility
14 from the Nuclear Regulatory Commission;

15 (B) constructing the facility;

16 (C) transporting spent fuel to the facility;

17 and

18 (D) removing the spent fuel and decommis-
19 sioning the facility; and

20 (3) an estimate of the cost of any financial as-
21 sistance, compensation, or incentives proposed to be
22 paid to the host State, Indian tribe, or local govern-
23 ment;

24 (4) an estimate of any future reductions in the
25 damages expected to be paid by the United States for

1 *the delay of the Department of Energy in accepting
2 spent fuel expected to result from the pilot program;*

3 *(5) recommendations for any additional legisla-
4 tion needed to authorize and implement the pilot pro-
5 gram; and*

6 *(6) recommendations for a mechanism to ensure
7 that any spent nuclear fuel or high-level radioactive
8 waste stored at a consolidated storage facility pursu-
9 ant to this section shall move to deep geologic disposal
10 capacity, following a consent-based approval process
11 for that deep geologic disposal capacity consistent
12 with subsection (d), within a reasonable time after the
13 issuance of a license to construct and operate the con-
14 solidated storage facility.*

15 *(g) PUBLIC PARTICIPATION.—Prior to choosing a site
16 for the construction of a consolidated storage facility under
17 this section, the Secretary shall conduct 1 or more public
18 hearings in the vicinity of each potential site and in at
19 least 1 other location within the State in which the site
20 is located to solicit public comments and recommendations.*

21 *(h) USE OF NUCLEAR WASTE FUND.—The Secretary
22 may make expenditures from the Nuclear Waste Fund to
23 carry out this section, subject to appropriations.*

24 *SEC. 307. (a) Not later than 30 days after the date
25 of enactment of this Act, the Administrator of the Western*

*1 Area Power Administration shall submit to the appropriate
2 committees of Congress a report that—*

3 (1) examines the use of a provision described in
4 subsection (b) in any power contracts of the Western
5 Area Power Administration that were executed before
6 or on the date of enactment of this Act; and

7 (2) explains the circumstances for not including
8 a provision described in subsection (b) in power con-
9 tracts of the Western Area Power Administration exe-
10 cuted before or on the date of enactment of this Act.

(b) A provision referred to in subsection (a) is a termination clause described in section 11 of the general power contract provisions of the Western Power Administration, effective September 1, 2007.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

18 *For expenses necessary to carry out the programs au-*
19 *thorized by the Appalachian Regional Development Act of*
20 *1965, and for expenses necessary for the Federal Co-Chair-*
21 *man and the Alternate on the Appalachian Regional Com-*
22 *mission, for payment of the Federal share of the adminis-*
23 *trative expenses of the Commission, including services as*
24 *authorized by 5 U.S.C. 3109, and hire of passenger motor*
25 *vehicles, \$151,000,000, to remain available until expended.*

1 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*2 *SALARIES AND EXPENSES*

3 *For expenses necessary for the Defense Nuclear Facili-
4 ties Safety Board in carrying out activities authorized by
5 the Atomic Energy Act of 1954, as amended by Public Law
6 100–456, section 1441, \$31,000,000, to remain available
7 until September 30, 2018.*

8 *DELTA REGIONAL AUTHORITY*9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the Delta Regional Author-
11 ity and to carry out its activities, as authorized by the
12 Delta Regional Authority Act of 2000, notwithstanding sec-
13 tions 382C(b)(2), 382F(d), 382M, and 382N of said Act,
14 \$25,000,000, to remain available until expended.*

15 *DENALI COMMISSION*

16 *For expenses necessary for the Denali Commission in-
17 cluding the purchase, construction, and acquisition of plant
18 and capital equipment as necessary and other expenses,
19 \$15,000,000, to remain available until expended, notwith-
20 standing the limitations contained in section 306(g) of the
21 Denali Commission Act of 1998: Provided, That funds shall
22 be available for construction projects in an amount not to
23 exceed 80 percent of total project cost for distressed commu-
24 nities, as defined by section 307 of the Denali Commission
25 Act of 1998 (division C, title III, Public Law 105–277),*

1 as amended by section 701 of appendix D, title VII, Public
2 Law 106–113 (113 Stat. 1501A–280), and an amount not
3 to exceed 50 percent for non-distressed communities: Pro-
4 vided further, That, notwithstanding any other provision
5 of law regarding payment of a non-Federal share in connec-
6 tion with a grant-in-aid program, amounts under this
7 heading shall be available for the payment of such a non-
8 Federal share for programs undertaken to carry out the
9 purposes of the Commission.

10 *NORTHERN BORDER REGIONAL COMMISSION*

11 For expenses necessary for the Northern Border Re-
12 gional Commission in carrying out activities authorized by
13 subtitle V of title 40, United States Code, \$10,000,000, to
14 remain available until expended: Provided, That such
15 amounts shall be available for administrative expenses, not-
16 withstanding section 15751(b) of title 40, United States
17 Code.

18 *NUCLEAR REGULATORY COMMISSION*

19 *SALARIES AND EXPENSES*

20 For expenses necessary for the Commission in carrying
21 out the purposes of the Energy Reorganization Act of 1974
22 and the Atomic Energy Act of 1954, \$939,000,000, includ-
23 ing official representation expenses not to exceed \$25,000,
24 to remain available until expended: Provided, That of the
25 amount appropriated herein, not more than \$7,500,000

1 may be made available for salaries, travel, and other sup-
2 port costs for the Office of the Commission, to remain avail-
3 able until September 30, 2018, of which, notwithstanding
4 section 201(a)(2)(c) of the Energy Reorganization Act of
5 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure
6 shall only be approved by a majority vote of the Commis-
7 sion: Provided further, That revenues from licensing fees,
8 inspection services, and other services and collections esti-
9 mated at \$822,240,000 in fiscal year 2017 shall be retained
10 and used for necessary salaries and expenses in this ac-
11 count, notwithstanding 31 U.S.C. 3302, and shall remain
12 available until expended: Provided further, That of the
13 amounts appropriated under this heading, not less than
14 \$5,000,000 shall be for activities related to the development
15 of regulatory infrastructure for advanced nuclear reactor
16 technologies, and \$5,000,000 of that amount shall not be
17 available from fee revenues, notwithstanding 42 U.S.C.
18 2214: Provided further, That the sum herein appropriated
19 shall be reduced by the amount of revenues received during
20 fiscal year 2017 so as to result in a final fiscal year 2017
21 appropriation estimated at not more than \$116,760,000:
22 Provided further, That of the amounts appropriated under
23 this heading, not less than \$543,000 shall be used to imple-
24 ment the requirements of the Digital Accountability and

1 *Transparency Act of 2014 (Public Law 113–101; 128 Stat.*
2 *1146).*

3 ***OFFICE OF INSPECTOR GENERAL***

4 *For expenses necessary for the Office of Inspector Gen-*
5 *eral in carrying out the provisions of the Inspector General*
6 *Act of 1978, \$12,129,000, to remain available until Sep-*
7 *tember 30, 2018: Provided, That revenues from licensing*
8 *fees, inspection services, and other services and collections*
9 *estimated at \$10,044,000 in fiscal year 2017 shall be re-*
10 *tained and be available until September 30, 2018, for nec-*
11 *essary salaries and expenses in this account, notwith-*
12 *standing section 3302 of title 31, United States Code: Pro-*
13 *vided further, That the sum herein appropriated shall be*
14 *reduced by the amount of revenues received during fiscal*
15 *year 2017 so as to result in a final fiscal year 2017 appro-*
16 *priation estimated at not more than \$2,085,000: Provided*
17 *further, That of the amounts appropriated under this head-*
18 *ing, \$969,000 shall be for Inspector General services for the*
19 *Defense Nuclear Facilities Safety Board, which shall not*
20 *be available from fee revenues.*

21 ***NUCLEAR WASTE TECHNICAL REVIEW BOARD***

22 ***SALARIES AND EXPENSES***

23 *For expenses necessary for the Nuclear Waste Tech-*
24 *nical Review Board, as authorized by Public Law 100–203,*

1 section 5051, \$3,600,000, to be derived from the Nuclear
2 Waste Fund, to remain available until September 30, 2018.

3 **GENERAL PROVISIONS—INDEPENDENT**

4 **AGENCIES**

5 *SEC. 401. (a) The amounts made available by this title*
6 *for the Nuclear Regulatory Commission may be repro-*
7 *grammed for any program, project, or activity, and the*
8 *Commission shall notify the Committees on Appropriations*
9 *of both Houses of Congress at least 30 days prior to the*
10 *use of any proposed reprogramming that would cause any*
11 *program funding level to increase or decrease by more than*
12 *\$500,000 or 10 percent, whichever is less, during the time*
13 *period covered by this Act.*

14 *(b)(1) The Nuclear Regulatory Commission may waive*
15 *the notification requirement in (a) if compliance with such*
16 *requirement would pose a substantial risk to human health,*
17 *the environment, welfare, or national security.*

18 *(2) The Nuclear Regulatory Commission shall notify*
19 *the Committees on Appropriations of both Houses of Con-*
20 *gress of any waiver under paragraph (1) as soon as prac-*
21 *ticable, but not later than 3 days after the date of the activ-*
22 *ity to which a requirement or restriction would otherwise*
23 *have applied. Such notice shall include an explanation of*
24 *the substantial risk under paragraph (1) that permitted*
25 *such waiver and shall provide a detailed report to the Com-*

1 mittees of such waiver and changes to funding levels to pro-
2 grams, projects, or activities.

3 (c) Except as provided in subsections (a), (b), and (d),
4 the amounts made available by this title for “Nuclear Regu-
5 latory Commission—Salaries and Expenses” shall be ex-
6 pended as directed in the report accompanying this Act.

7 (d) None of the funds provided for the Nuclear Regu-
8 latory Commission shall be available for obligation or ex-
9 penditure through a reprogramming of funds that increases
10 funds or personnel for any program, project, or activity for
11 which funds are denied or restricted by this Act.

12 (e) The Commission shall provide a monthly report to
13 the Committees on Appropriations of both Houses of Con-
14 gress, which includes the following for each program,
15 project, or activity, including any prior year appropria-
16 tions—

17 (1) total budget authority;
18 (2) total unobligated balances; and
19 (3) total unliquidated obligations.

20 **TITLE V**

21 **GENERAL PROVISIONS**

22 SEC. 501. None of the funds appropriated by this Act
23 may be used in any way, directly or indirectly, to influence
24 congressional action on any legislation or appropriation
25 matters pending before Congress, other than to commu-

1 nicate to Members of Congress as described in 18 U.S.C.
2 1913.

3 SEC. 502. (a) None of the funds made available in title
4 III of this Act may be transferred to any department, agen-
5 cy, or instrumentality of the United States Government, ex-
6 cept pursuant to a transfer made by or transfer authority
7 provided in this Act or any other appropriations Act for
8 any fiscal year, transfer authority referenced in the report
9 of the Committee on Appropriations accompanying this
10 Act, or any authority whereby a department, agency, or in-
11 strumentality of the United States Government may pro-
12 vide goods or services to another department, agency, or in-
13 strumentality.

14 (b) None of the funds made available for any depart-
15 ment, agency, or instrumentality of the United States Gov-
16 ernment may be transferred to accounts funded in title III
17 of this Act, except pursuant to a transfer made by or trans-
18 fer authority provided in this Act or any other appropria-
19 tions Act for any fiscal year, transfer authority referenced
20 in the report of the Committee on Appropriations accom-
21 panying this Act, or any authority whereby a department,
22 agency, or instrumentality of the United States Government
23 may provide goods or services to another department, agen-
24 cy, or instrumentality.

1 (c) *The head of any relevant department or agency*
2 *funded in this Act utilizing any transfer authority shall*
3 *submit to the Committees on Appropriations of both Houses*
4 *of Congress a semiannual report detailing the transfer au-*
5 *thorities, except for any authority whereby a department,*
6 *agency, or instrumentality of the United States Government*
7 *may provide goods or services to another department, agen-*
8 *cy, or instrumentality, used in the previous 6 months and*
9 *in the year-to-date. This report shall include the amounts*
10 *transferred and the purposes for which they were trans-*
11 *ferred, and shall not replace or modify existing notification*
12 *requirements for each authority.*

13 *This Act may be cited as the “Energy and Water De-*
14 *velopment and Related Agencies Appropriations Act,*
15 *2017”.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 2028

AMENDMENT
